

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT

CW 07-1314

SANDRA DUHON BERNARD, ET AL.

VERSUS

**BP AMERICA PRODUCTION
COMPANY, ET AL.**

**ON SUPERVISORY WRITS FROM THE
THIRTY-EIGHTH JUDICIAL DISTRICT COURT
PARISH OF CAMERON, DOCKET NO. 10-16704
HONORABLE H. WARD FONTENOT, DISTRICT JUDGE**

**JAMES T. GENOVESE
JUDGE**

Court composed of Marc T. Amy, J. David Painter, and James T. Genovese, Judges.

WRIT DENIED.

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GENOVESE, J.

Defendant-Relator, KCS Resources, Inc., in this counter writ application, contends that the application for supervisory writs filed by Plaintiffs-Respondents in *Sandra Duhon Bernard, et al. v. BP America Production Co., et al.*, 07-1249 (La.App. 3 Cir. XX/XX/XX), ___ So.2d ___, was not timely filed and should be dismissed. However, the record indicates that the Plaintiffs' writ was in fact timely filed because it was postmarked by Federal Express on October 5, 2007, which was exactly thirty days after the trial court's ruling denying Plaintiffs' motion for reconsideration. Consequently, the counter writ of KCS Resources, Inc., is denied.

WRIT DENIED.