

NOT DESIGNATED FOR PUBLICATION

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

CA 14-379

MICHELLE BENNETT WHITE

VERSUS

JOSEPH EDWARD WHITE

**APPEAL FROM THE
NINTH JUDICIAL DISTRICT COURT
PARISH OF RAPIDES, NO. 248,890
HONORABLE GEORGE CLARENCE METOYER, JR., DISTRICT JUDGE**

J. DAVID PAINTER

JUDGE

Court composed of Elizabeth A. Pickett, J. David Painter, and John E. Conery,
Judges.

MOTION TO DISMISS APPEAL DENIED.

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PAINTER, Judge.

Defendant/Appellee, Joseph Edward White, filed a motion to dismiss appeal on May 1, 2014, alleging that Plaintiff/Appellant, Michelle Bennett White, has not timely filed her appellate brief pursuant to Uniform Rules—Courts of Appeal, Rule 2–12.7. For the reasons given herein, we deny the motion to dismiss.

By judgment dated February 10, 2014, Joseph was designated the primary custodial parent of his minor children and Michelle was granted visitation privileges. Michelle filed an appeal which was lodged with this court on April 7, 2014.

Joseph has now filed a motion to dismiss this appeal on the ground that Michelle failed to timely file her appellate brief with this court. Michelle did not file her brief as required by Uniform Rules—Courts of Appeal, Rule 2–12.7. However, on April 25, 2014, pursuant to Uniform Rules—Courts of Appeal, Rule 2–8.6, this court mailed notice to Michelle that she has an additional thirty days to file her brief. Pursuant to said notice, Michelle’s brief is now due on May 25, 2014. Accordingly, Joseph’s motion to dismiss, which was filed on May 1, 2014, is premature and is hereby denied.

MOTION TO DISMISS APPEAL DENIED.

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION.
Rule 2-16.3 Uniform Rules, Court of Appeal.