

NOT DESIGNATED FOR PUBLICATION

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

JAC 14-681 consolidated with JAC 14-682

STATE IN THE INTEREST OF G.E.K. & C.E.S.

**APPEAL FROM THE
THIRTY-FIFTH JUDICIAL DISTRICT COURT
PARISH OF GRANT, NO. J-2674 C/W J-2737
HONORABLE W. PEYTON CUNNINGHAM, JR., DISTRICT JUDGE**

**JAMES T. GENOVESE
JUDGE**

Court composed of John D. Saunders, James T. Genovese, and John E. Conery,
Judges.

RULE TO SHOW CAUSE RECALLED.

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GENOVESE, Judge.

This court, on its own motion, issued a rule for the appellant, A.V., to show cause, by brief only, why the appeal in this matter, bearing the district court docket number J-2674, should not be dismissed for lack of an order of appeal bearing that docket number. The appellant has filed a response to this court's rule to show cause. For the reasons given below, we maintain this appeal.

The instant juvenile proceedings were first initiated by the State as to two of the appellant's minor children, G.E.K. and C.E.S. These proceedings were assigned the district court docket number of J-2674. Subsequently, the State initiated another action with regard to appellant's third minor child, I.W. This matter was assigned the district court docket number of J-2737. These two actions were consolidated by the district court.

The trial court entered an appealable judgment bearing both docket numbers. However, when the appellant filed her motion and order of appeal, she only referenced the docket number J-2737, even though the motion and order mention the initials of all three children. Lacking a proper order of appeal bearing docket number J-2674, this court issued the subject rule to show cause under consideration herein.

In response to this court's rule, the appellant has filed a brief pointing out that an amended motion and order of appeal was filed in the trial court and that the amended order, bearing docket number J-2674, has now been granted by the trial court. This court has stated, "it is important to recognize that appeals are favored and should be maintained when possible. 'Appeals are favored in the law and should be maintained unless a legal ground for dismissal is clearly shown. An appeal is not to be dismissed for a mere technicality. Unless the ground urged for dismissal is free from doubt, the appeal should not be dismissed.'" *Stadtlander v.*

Ryan's Family Steakhouses, Inc., 34,384, p. 2 (La.App. 2 Cir. 4/4/01), 794 So.2d 881, 885, *writ denied*, 01-1327 (La. 6/22/01), 794 So.2d 790 (citations omitted).” *Louisiana Bd. of Massage Therapy v. Fontenot*, 2004-1525, p. 5 (La.App. 3 Cir. 5/4/05), 901 So.2d 1232, 1235-36. We find that the appellant’s intention was clear even though the initial order of appeal was not. The original motion and order of appeal mentioned that the appellant wanted to appeal the trial court’s ruling as to all three of her children, even though only one of the docket numbers appeared on the motion and order of appeal. Therefore, in the interest of justice and for good cause shown, we hereby maintain the appeal and recall this court’s rule to show cause issued on June 25, 2014.

RULE TO SHOW CAUSE RECALLED.

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