

NOT DESIGNATED FOR PUBLICATION

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

CA 22-77

SHAYLA PRIEST, INDEPENDENT EXECUTRIX FOR

ESTATE OF BERNITA GARLAND

VERSUS

LIGHTHOUSE EXCALIBUR INSURANCE COMPANY

**APPEAL FROM THE
FOURTEENTH JUDICIAL DISTRICT COURT
PARISH OF CALCASIEU, NO. 2021-1022
HONORABLE ROBERT LANE WYATT, DISTRICT JUDGE**

VAN H. KYZAR

JUDGE

Court composed of Van H. Kyzar, Jonathan W. Perry, and Charles G. Fitzgerald,
Judges.

MOTION TO SUPPLEMENT RECORD DENIED AS MOOT.

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KYZAR, Judge.

Appellant, Lighthouse Excalibur Insurance Company (Lighthouse), filed a Motion to Supplement Record with Missing Pleadings & Incorporated Memorandum in Support. Appellee, Shayla Priest, Independent Executrix for the Estate of Bernita Garland, has filed an opposition to the motion. For the reasons stated herein, we deny the motion to supplement the record.

The instant suit was filed by Ms. Priest, on March 15, 2021, for the alleged failure to adequately and timely adjust her claim. Lighthouse was served on May 3, 2021. When Lighthouse failed to timely answer the suit, Ms. Priest filed a Motion for Preliminary Default on August 3, 2021. A Preliminary Default was ordered on August 4, 2021. On October 13, 2021, Ms. Priest confirmed her Default Judgment in open court, resulting in a judgment against Lighthouse. On November 16, 2021, Lighthouse filed Exceptions, and Answer and Request for Notice.

The following day, November 17, 2021, Lighthouse filed a Motion for Appeal, and the order of appeal was signed on November 22, 2021. Lighthouse maintains that all pleadings filed in the record on or before November 17, 2021, should have been included in the record lodged in this court. Upon review of the record, Lighthouse observed that at least two pleadings filed by Lighthouse on November 16, 2021, were not included in the record, including its Exceptions and Answer and Request for Notice. The record includes pleadings filed on November 17, 2021, but not those filed the day before. Lighthouse concludes that the pleadings file-stamped into the record on November 16, 2021, were overlooked and should have been included in the record lodged in this court.

Meanwhile, Ms. Priest filed her own Motion to Supplement Record with Missing Documents and Incorporated Memorandum in Support. Ms. Priest argues

therein that all documents filed into the record before Lighthouse's November 17, 2021 motion for appeal should have been included in the record sent to this court. An order was signed by this court directing the lower court to supplement the record with all documents filed into the record.

Per this court's order, on April 28, 2022, the lower court supplemented the record with all documents filed into the record before Lighthouse's motion for appeal. The supplemental record includes the documents Lighthouse seeks to have supplemented in the instant motion. As such, we find that Lighthouse's motion to supplement is now moot.

MOTION TO SUPPLEMENT RECORD DENIED AS MOOT.

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