

The Supreme Court of the State of Louisiana

**MARGARET PATRICIA LANDRY
LANGLINAIS AND MARY LANDRY
BLACKSTOCK**

No.2020-CC-00229

VS.

**UNION OIL COMPANY OF CALIFORNIA, ET
AL.**

IN RE: Hilcorp Energy Company - Applicant Defendant; Texas Petroleum Investment Company - Applicant Defendant; Union Oil Company of California - Applicant Defendant; Applying For Writ Of Certiorari, Parish of Vermilion, 15th Judicial District Court Number(s) 104963, Court of Appeal, Third Circuit, Number(s) CW 19-00794;

May 14, 2020

Writ application granted. See per curiam.

BJJ

JLW

JDH

SJC

WJC

JHB

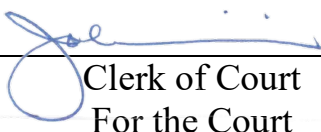
Weimer, J., would grant docket.

Crichton, J., additionally concurs and assigns reasons.

Crain, J., additionally concurs for the reasons assigned by Justice Crichton.

Genovese, J., recused.

Supreme Court of Louisiana
May 14, 2020


Clerk of Court
For the Court

05/14/20

SUPREME COURT OF LOUISIANA

NO. 2020-CC-0229

MARGARET PATRICIA LANDRY LANGLINAIS
AND MARY LANDRY BLACKSTOCK

V.

UNION OIL COMPANY OF CALIFORNIA, ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, THIRD CIRCUIT,
PARISH OF VERMILLION

PER CURIAM*

In this matter, defendants seek review of a judgment of the court of appeal which reversed the judgment of the district court denying plaintiffs’ motion to recuse Judge Marilyn Castle. Pretermitted the merits of the recusal motion, we find the motion was untimely.

Timeliness of a motion to recuse is governed by La. Code Civ. P. art. 154, which provides, in pertinent part, “[t]his motion shall be filed prior to trial or hearing unless the party discovers the facts constituting the ground for recusation thereafter, in which event it shall be filed immediately after these facts are discovered, but prior to judgment.” In *Radcliffe 10, LLC v. Zip Tube Sys. of Louisiana*, 2006-0128 (La. 11/3/06), 942 So.2d 1071, 1074, we explained, “[t]he clear intent of the statute is to allow the motion to recuse when the party discovers facts constituting grounds for recusal.”

In the instant case, the sole basis for plaintiffs’ motion to recuse was a campaign advertisement which was published in 2016 by the Committee to Elect Judge Marilyn Castle and mentioned plaintiffs’ counsel. Plaintiffs’ counsel admit

* Genovese, J. recused.

they were aware of this advertisement in April 2018, when they first filed their suit and it was randomly allotted to Judge Castle, but they did not seek her recusal at that time. Plaintiffs' counsel further participated in a hearing on exceptions before Judge Castle in January 2019, but again did not file a motion to recuse. Plaintiffs' motion to recuse was not filed until June 28, 2019, over a year after suit was filed, and nearly three years after the advertisement in question was published.

Under these circumstances, the district court hearing the motion to recuse properly denied the motion on timeliness grounds. The court of appeal erred in reversing this judgment.

Accordingly, the writ is granted. The judgment of the court of appeal is reversed, and the judgment of the district court denying the motion to recuse Judge Marilyn Castle is reinstated. The case is remanded to the district court for further proceedings.