

The Supreme Court of the State of Louisiana

IN RE: INTERDICTION OF EUNICE LIRETTE
GAMBINO

No.2020-OC-00312

C/W

CALVIN J. GAMBINO, JR. AND CYNTHIA A.
GAMBINO, AS CURATOR FOR INTERDICTEE
EUNICE L. GAMBINO

VS.

CALVIN J. GAMBINO, SR. AND BRAD JOSEPH
GAMBINO

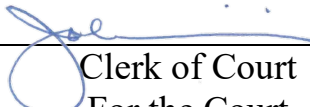
IN RE: Calvin J. Gambino, Jr. - Applicant Other; Cynthia A. Gambino - Applicant
Other;
Applying For Supervisory Writ, Parish of Jefferson, 24th Judicial District Court
Number(s) 784146, Court of Appeal, Fifth Circuit, Number(s) 19-CA-153;

June 03, 2020

Writ application granted. See per curiam.

SJC
BJJ
JLW
JDH
JTG
WJC
JHB

Supreme Court of Louisiana
June 03, 2020



Clerk of Court
For the Court

06/03/20

SUPREME COURT OF LOUISIANA

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EUNICE LIRETTE GAMBINO

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ON SUPERVISORY WRITS TO THE COURT OF APPEAL,
FIFTH CIRCUIT, PARISH OF JEFFERSON

PER CURIAM

Neither La. Code Civ. P. art.1915(B) nor other provision of Louisiana law establishes a time delay for filing a motion to certify a judgment as final. Absent an expression of legislative will, Louisiana courts cannot impose a specific delay for filing a motion to certify a judgment as final for purposes of immediate appeal. *Fraternal Order of Police v. City of New Orleans*, 2002-1801 (La. 11/8/02), 831 So.2d 897, 899. Thus, a certification order issued after notice of appeal can cure jurisdictional defects in the appeal. *See Roundtree v. New Orleans Aviation Bd.*, 2004-0702 (La. App. 4 Cir. 2/4/05), 896 So.2d 1078, 1083; *In re Succession of Grimmett*, 31,975 (La. App. 2 Cir. 3/5/99), 738 So.2d 27, 31.

The district court's December 19, 2019 order, issued prior to the finality of the dismissal of the appeal, designated the January 9, 2019 judgment and October 4, 2019

judgments as final under La. Code Civ. P. art. 1915(B). The order cured any jurisdictional defects in the appeal.

Accordingly, the writ is granted. The judgment of the court of appeal dismissing the appeal is reversed. In the interest of justice and judicial economy, the court of appeal is directed to supplement the record with the district court's December 19, 2019 order and to consider relators' appeal on the merits.¹

¹ In his opposition filed in this court, respondent raised a peremptory exception of no right of action challenging relators' procedural status. Because the merits are not currently before us, we express no opinion on respondent's exception, but reserve his right to raise the exception in the court of appeal pursuant to La. Code Civ. P. art. 2163.