

The Supreme Court of the State of Louisiana

HAROLD PIERITE AND HEATHER PIERITE

No.2021-CC-01105

VS.

**FOUR TOWERS TRANSPORTATION, INC., ET
AL.**

C/W

DANEIJAH SMITH

VS.

**FOUR TOWERS TRANSPORTATION, INC., ET
AL.**

IN RE: Four Towers Transportation, Inc. - Applicant Defendant; Starr Indemnity & Liability Insurance Company - Applicant Other; Applying For Supervisory Writ, Parish of Avoyelles, 12th Judicial District Court Number(s) 2018-5865-A, Court of Appeal, Third Circuit, Number(s) CW 21-00159;

August 11, 2021

Writ application granted. See per curiam.

PDG

JLW

JTG

WJC

JBM

Supreme Court of Louisiana

August 11, 2021



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

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On Supervisory Writ to the 12th Judicial District Court, Parish of Avoyelles

PER CURIAM

Our jurisprudence has long recognized that “the right of a litigant to jury trial is fundamental in character and the courts will indulge every presumption against a waiver, loss or forfeiture thereof.” *Champagne v. American Southern Ins. Co.*, 295 So. 2d 437, 439 (La. 1974).

In this case, relators filed their jury deposit within ten days of the date another party failed to make a timely deposit. Relator’s jury deposit is therefore timely. See La. Code Civ. P. art. 1734.1; *Willeby v. JE Merit Constructors, Inc.*, 04-2421 (La. App. 1 Cir. 6/10/05), 917 So. 2d 21. We find *Plauche v. Liberty Mut. Ins. Co.*, 2011-1288 (La. App. 3 Cir. 5/16/12), 89 So. 3d 521, *writ denied*, 2012-1365 (La. 10/8/12), 98 So. 3d 854, distinguishable from the matter *sub judice*.

Accordingly, the writ is granted. The judgment of the district court is reversed, and the jury trial is reinstated. The case is remanded to the district court for further proceedings.