

The Supreme Court of the State of Louisiana

FAITH A. BOUDOIN

No. 2022-CC-00402

VS.

SAFECO INSURANCE COMPANY OF
OREGON, AMEX ASSURANCE COMPANY,
ALLSTATE PROPERTY AND CASUALTY
INSURANCE COMPANY, TERESA FUHRMAN,
AND TRENT R. FURHMAN

IN RE: Faith A. Boudoin - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Jefferson, 24th Judicial District Court Number(s) 759-719, Court of
Appeal, Fifth Circuit, Number(s) 21-C-722;

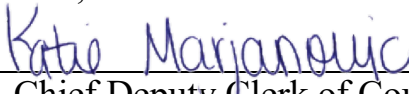
June 01, 2022

Writ application granted. See per curiam.

JTG
JLW
JDH
SJC
JBM
PDG

Crain, J., dissents and assigns reasons.

Supreme Court of Louisiana
June 01, 2022



Chief Deputy Clerk of Court
For the Court

06/01/2022

SUPREME COURT OF LOUISIANA

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FAITH A. BOUDOIN

VS.

**SAFECO INSURANCE COMPANY OF OREGON, AMEX ASSURANCE
COMPANY, ALLSTATE PROPERTY AND CASUALTY INSURANCE
COMPANY, TERESA FUHRMAN, AND TRENT R. FURHMAN**

**ON SUPERVISORY WRIT TO THE 24TH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON**

WRIT GRANTED.

The trial court abused its discretion in denying plaintiff's motion for leave to amend her petition to add a bad faith claim against an alleged uninsured/underinsured motorist ("UM") insurer.

In its reasons for judgment, the trial court relied on the deadline set in its scheduling order pursuant to its status conference, which set the deadline "to add additional parties." Here, plaintiff is not seeking to add the UM insurer as an additional party, but is seeking to add a bad faith claim against said insurer, which is an existing party. There was no deadline in the trial court's order relative to adding claims against existing parties, nor did the trial court establish any other pre-trial deadlines, motions deadlines, discovery deadlines, or even a trial date.

Additionally, an amendment to pleadings is liberally construed and liberally allowed if the mover is acting in good faith. La.Code Civ.P. art. 1155; *Noel v. Noel*, 15-37, p. 17 (La.App. 3 Cir. 5/27/15), 165 So.3d 401, 414, *writ denied sub nom*, 15-1121 (La. 9/18/15), 178 So.3d 147; *Barringer v. Robertson*, 15-698, p. 10 (La.App. 1 Cir. 12/2/15), 216 So.3d 919, 926-27, *writ denied*, 16-10 (La. 2/26/16), 187 So.3d 1004. There was no evidence of bad faith or prejudice herein.

The lower court's denial of plaintiff's motion for leave to amend her petition to add a bad faith claim against the alleged UM insurer, an existing party, is reversed. Plaintiff's motion for leave to amend her petition is granted. The matter is remanded for further proceedings consistent herewith.