

The Supreme Court of the State of Louisiana

JEREMY PAUL DUCOTE

No. 2022-CC-00996

VS.

CARLEY KATHERINE MAGETTE

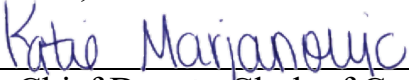
IN RE: Jeremy Paul Ducote - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Ascension, 23rd Judicial District Court Number(s) 125,932, Court of
Appeal, First Circuit, Number(s) 2021 CW 1582;

June 29, 2022

Writ application not considered. Not timely filed. See per curiam.

SJC
JDH
JTG
WJC
JBM
PDG

Weimer, C.J., concurs and assigns reasons.

Supreme Court of Louisiana
June 29, 2022


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2022-CC-00996

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VS.

CARLEY KATHERINE MAGETTE

On Supervisory Writ to the 23rd Judicial District Court, Parish of Ascension

PER CURIAM

Pretermitted the merits, we find this application is untimely. The court of appeal denied the plaintiff's writ on February 3, 2022 and mailed notice of judgment to all parties on the same day. Pursuant to Supreme Court Rule X, § 5(a),¹ any application to this court was due on or before Monday, March 7, 2022. This application was e-filed with this court on Thursday, June 23, 2022, over three months after the delay expired.

Accordingly, we decline to consider the application.²

¹ Supreme Court Rule X, § 5(a) provides in pertinent part:

An application seeking to review a judgment of the court of appeal either after an appeal to that court, or after that court has granted relief on an application for supervisory writs (but not when the court has merely granted an application for purposes of further consideration), or after a denial of an application, shall be made within thirty days of the mailing of the notice of the original judgment of the court of appeal; however, if a timely application for rehearing has been filed in the court of appeal in those instances where a rehearing is allowed, the application shall be made within thirty days of the mailing of the notice of denial of rehearing or the judgment on rehearing. No extension of time therefor will be granted.

² We are cognizant that plaintiff's counsel serves in the Louisiana Legislature and the subject matter of the writ application involves an interpretation of the legislative continuance provisions set forth in La. R.S. 13:4163. However, there is no indication counsel has invoked these provisions in connection with his filing in this court, nor did he seek any extension within the original thirty-day deadline for applying for supervisory review under La. Code Civ. P. art. 2166 and Supreme Court Rule X, § 5(a). Moreover, we note La. R.S. 13:4163(F) provides the legislative continuance provisions "shall not apply to cases in the Supreme Court of Louisiana. . . ."