

The Supreme Court of the State of Louisiana

GREGORY SWAFFORD FAMILY TRUST

No. 2022-OC-00059

VS.

GRAYSTAR MORTGAGE, LLC, JB 430
HOLDINGS LLC, AND THE
HONORABLE MARLIN H. GUSMAN IN
THIS OFFICIAL CAPACITY AS THE
ORLEANS PARISH SHERIFF.

IN RE: Gregory Swafford Family Trust - Applicant Plaintiff; Applying For
Supervisory Writ, Parish of Orleans Civil, Orleans Civil District Court Number(s)
2019-10896, Court of Appeal, Fourth Circuit, Number(s) 2021-CA-0200;

March 15, 2022

Writ application granted. See per curiam.

JDH
SJC
JTG
WJC
JBM
PDG

Weimer, C.J., dissents and would deny.

Supreme Court of Louisiana
March 15, 2022



Chief Deputy Clerk of Court
For the Court

03/15/2022

SUPREME COURT OF LOUISIANA

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GREGORY SWAFFORD FAMILY TRUST

VS.

**GRAYSTAR MORTGAGE, LLC, JB 430 HOLDINGS LLC, AND THE
HONORABLE MARLIN H. GUSMAN IN THIS OFFICIAL CAPACITY AS
THE ORLEANS PARISH SHERIFF**

On Writ of Certiorari to the Court of Appeal, Fourth Circuit, Parish of Orleans
Civil

PER CURIAM

Granted. The court of appeal erred in dismissing relator's appeal. Relator's October 19, 2020 motion for appeal was filed within the applicable appeal delays following the district court's October 1, 2020 judgment denying relator's motion for new trial. Relator's filing of an application for supervisory writs during this time had no effect on the appeal delays. See *Guillory v. Hartford Ins. Co.*, 383 So.2d 144, 145 (La. App. 3rd Cir. 1980) ("[t]he appellants have cited no statute, court rule, or jurisprudence, and we have found none, which holds that an application for supervisory writs suspends the running of the delay for filing an appeal.").

Accordingly, without passing on the merits, we vacate the judgment of the court of appeal and reinstate relator's appeal. The case is remanded to the court of appeal for consideration of the appeal on the merits.