

The Supreme Court of the State of Louisiana

PAMELA CARRIE

No. 2024-CC-00060

VS.

SOUTHERN UNIVERSITY AT NEW
ORLEANS, THE BOARD OF SOUTHERN
UNIVERSITY AGRICULTURAL AND
MECHANICAL COLLEGE, ON BEHALF OF
SOUTHERN UNIVERSITY AT NEW
ORLEANS, THE SOUTHERN UNIVERSITY
SYSTEM, AND SOUTHERN UNIVERSITY
AGRICULTURAL AND MECHANICAL
COLLEGE

IN RE: Travelers Indemnity Company of Connecticut - Applicant Other; Lamar
Contractors, LLC - Applicant Other; Applying For Supervisory Writ, Parish of
Orleans Civil, Orleans Civil District Court Number(s) 2017-03515, Court of Appeal,
Fourth Circuit, Number(s) 2023-C-0737;

March 12, 2024

Writ application granted in part. See per curiam.

JLW
JDH
SJC
JTG
JBM

Crain, J., concurs.
Griffin, J., recused.

Supreme Court of Louisiana
March 12, 2024


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

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VS.

**SOUTHERN UNIVERSITY AT NEW ORLEANS, THE BOARD OF
SOUTHERN UNIVERSITY AGRICULTURAL AND MECHANICAL
COLLEGE, ON BEHALF OF SOUTHERN UNIVERSITY AT NEW
ORLEANS, THE SOUTHERN UNIVERSITY SYSTEM, AND SOUTHERN
UNIVERSITY AGRICUTURAL AND MECHANICAL COLLEGE**

PER CURIAM¹

Granted in part. Because plaintiff failed to pay the required service fees, her initial request for service of her supplemental petition against relators, Lamar Contractors, LLC and The Travelers Indemnity Company of Connecticut, was not proper. *See Jenkins v. Larpenster*, 04-0318 (La. App. 1 Cir. 3/24/05), 906 So.2d 656, 659, *writ denied*, 05-1078 (La. 6/17/05), 904 So.2d 711 (“[w]e find that a request for service without payment of required fees, or without leave of court excusing such payment because of pauper status, simply is no proper request at all.”).² Plaintiff did not make a proper request for service until more than ninety days after the supplemental petition was filed, in violation of La. Code Civ. P. art. 1201(C).

¹ Griffin, J. recused.

² We acknowledge the court in *Walker v. GoAuto Ins. Co.*, 20-0331 (La. App. 4 Cir. 6/10/21), 323 So.3d 918, reached a seemingly different result; however, we find *Walker* is factually distinguishable. *Walker* dealt with a factual circumstance where the petitioner sought pauper status and after being denied such status, then remitted the amounts due to effect service to the Clerk of Court as requested. However, the Clerk of Court thereafter failed to inform petitioner that the original amount was insufficient, and that the Sheriff’s office was holding service until further payment. After contacting the Clerk of Court for a status update on service, and after being informed of the insufficiency, petitioner immediately paid the additional amounts for service. Service was then made but it was done so after the applicable ninety-day period had lapsed. The trial court subsequently granted defendant’s exception of insufficiency of service of process. The *Walker* court reversed and specifically explained that unlike *Jenkins*, the plaintiff in *Walker* “timely forwarded payment to the Clerk of Court after receiving notice of the denial of his request to proceed in forma pauperis.” *Walker*, 323 So. 3d at 921. These facts where the error was clearly attributable to the Clerk of Court differ with those in the instant case where the plaintiff did not timely forward the payment necessary to effect service on defendants. Therefore, the facts of the instant case are more analogous to *Jenkins*, in which the fees were not paid.

Accordingly, the writ is granted in part, and judgment is rendered in favor of relators dismissing plaintiffs' supplemental petition against them without prejudice pursuant to La. Code Civ. P. art. 1672(C).

In all other respects, the writ is denied. *See Bordelon v. Med. Center of Baton Rouge*, 2003-0202 (La. 10/21/03), 871 So. 2d 1075.