

The Supreme Court of the State of Louisiana

LOUIS R. KOERNER, JR.

No. 2024-CC-00134

VS.

CERTAIN UNDERWRITERS AT LLOYD'S
LONDON, SYNDICATES 0623 AND 2623, MS.
ANDREA ST. PAUL BLAND AND MR.
DAVID SINNOTT BLAND

IN RE: Louis R. Koerner, Jr. - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Civil, Civil District Court Number(s) 22-09768, Court of Appeal,
Fourth Circuit, Number(s) 2023-C-0811;

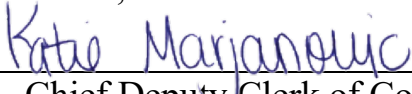
March 19, 2024

Writ application granted. See per curiam.

PDG
JDH
SJC
WJC
JBM

Weimer, C.J., would grant and docket.
Genovese, J., would grant and docket.

Supreme Court of Louisiana
March 19, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-CC-00134

LOUIS R. KOERNER, JR.

VS.

**CERTAIN UNDERWRITERS AT LLOYD’S LONDON, SYNDICATES
0623 AND 2623, MS. ANDREA ST. PAUL BLAND AND MR. DAVID
SINNOTT BLAND**

On Supervisory Writ to the Civil District Court, Parish of Orleans Civil

PER CURIAM

Plaintiff seeks review of a judgment of the trial court denying his motion for new trial as untimely. Although plaintiff concedes his motion was filed outside of the seven-day new trial delay set forth in La. Code Civ. P. art. 1974, he contends the October 16, 2023 judgment which was the subject of the motion was interlocutory in nature and subject to reconsideration.

The jurisprudence has recognized “a motion for new trial is a procedural device applying only to final judgments.” *Winston v. Martin*, 34,424 (La. App. 2 Cir. 9/21/00), 801 So.2d 389, 39. The October 16, 2023 judgment is interlocutory because it resolved less than all of the claims, demands, issues, or theories at issue in the suit. In the absence of any language designating this judgment as final for purposes of an immediate appeal, La. Code Civ. P. art. 1915(B)(2) provides the judgment “may be revised at any time prior to rendition of the judgment adjudicating all the claims and the rights and liabilities of all the parties.”

It is well-settled that prior to final judgment a trial court may, at its discretion and on its own motion, change the result of interlocutory rulings it finds to be erroneous. *Zapata v. Seal*, 2020-01148 (La. 9/30/21), 330 So.3d 175, 178; *VaSalle v. Wal-Mart Stores, Inc.*, 2001-0462 (La. 11/28/01), 801 So.2d 331, 334–35. Although we have never formally recognized whether a motion for reconsideration

was available in cases of interlocutory judgments, we have recognized a party may ask the trial court to exercise its discretion to reconsider an interlocutory ruling. *See VaSalle*, 801 So.2d at 337 (holding that because the trial judge had the right to reconsider his interlocutory ruling, “he had the right to accomplish the same end indirectly by acting on plaintiffs’ request that he reconsider his ruling”).

Accordingly, we find the trial court erred in denying plaintiff’s motion as untimely.

DECREE

For the reasons assigned, the writ is granted and made peremptory. The judgment of the trial court is vacated, and the case is remanded to the trial court with instructions to treat plaintiff’s motion for a new trial as a request for the court to exercise its discretion to reconsider its October 16, 2023 interlocutory ruling.