

The Supreme Court of the State of Louisiana

ERIN WIEBER, WIFE OF/AND SCOTT
WIEBER, INDIVIDUALLY AND ON BEHALF
OF THEIR MINOR CHILDREN MACKENZIE
WIEBER AND AIDEN WIEBER AND
BRENNAN WIEBER

No. 2024-CC-00741

VS.

ACME TRUCK LINE, INC., RICO LEWIS, JR.,
HUDSON INSURANCE COMPANY, ABC
INSURANCE COMPANY AND XYZ
INSURANCE COMPANY

IN RE: Acme Truck Line, Inc. - Applicant Defendant; Hudson Insurance Company
- Applicant Defendant; Rico Lewis - Applicant Defendant; Navigators Specialty
Insurance Company - Applicant Defendant; AXIS Surplus Insurance Company -
Applicant Defendant; National Union Fire Insurance Company of Pittsburgh, PA -
Applicant Defendant; Applying For Supervisory Writ, Parish of Orleans Civil,
Orleans Civil District Court Number(s) 2019-04835, 2019-06571, Court of Appeal,
Fourth Circuit, Number(s) 2024-C-0215;

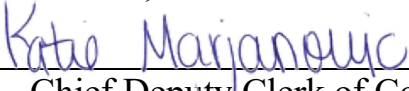
October 08, 2024

Writ application not considered. Not timely filed. See Per Curiam.

JDH
SJC
JTK
WJC
JBM
PDG

Weimer, C.J., dissents and would consider the merits.

Supreme Court of Louisiana
October 08, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-CC-00741

ERIN WIEBER, WIFE OF/AND SCOTT WIEBER, INDIVIDUALLY AND
ON BEHALF OF THEIR MINOR CHILDREN MACKENZIE WIEBER
AND AIDEN WIEBER AND BRENNAN WIEBER

VS.

ACME TRUCK LINE, INC., RICO LEWIS, JR., HUDSON INSURANCE
COMPANY, ABC INSURANCE COMPANY AND XYZ INSURANCE
COMPANY

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

PER CURIAM

Pretermittting the merits, we find this application is untimely. The court of appeal denied relators’ writ application on May 10, 2024. Pursuant to Supreme Court Rule X, §5, the deadline for relators to seek review in this court was Monday, June 10, 2024. Relators filed their application by hand on Tuesday, June 11, 2024.

On June 21, 2024, relators filed a motion captioned “Motion for Leave to File Applicants’ Supervisory Writ Application on Date Submitted, or in the Alternative, Permit Application on the Date Hand Delivered.” In their motion, relators assert their counsel attempted to electronically file the writ application on the evening of June 10, 2024 but experienced technical difficulties as she attempted to reset her password, unlock her account, and register a new account.

Supreme Court Rule XLII, §6(e) of the Electronic Filing rules, provides:

e) An electronically filed document will be considered timely filed if electronic filing is **completed** at any time before 12:00 Midnight Central Time on or before the date on which the document is due unless another specific time is mandated by order, rule or statute. [emphasis added].

Regardless of counsel’s intent, the court’s records establish no electronic filing was completed prior to midnight on June 10, 2024. The application was not filed until June 11, 2024, which is outside of the thirty-day period.

Accordingly, relators' motion is denied. The application is not considered, as it was not timely filed. Respondent's motion to exceed page limits for the opposition is denied as moot.