

2006 WL 8453927

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Court of Appeal of Louisiana, Fifth Circuit.

IN RE: GRAMERCY PLANT EXPLOSION AT KAISER

NO. 06-C-555

|

July 26, 2006

|

July 31, 2006

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT, PARISH OF ST. JAMES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE PEGRAM J. MIRE JR., DIVISION "D", NUMBER 25,975

Attorneys and Law Firms


Attorneys for Relator: [Louis C. LaCour, Jr.](#), [Raymond P. Ward](#), Attorneys at Law, 701 Poydras Street, Suite 4500 One Shell Square, New Orleans, LA 70139, (504) 585-0328, [Ernest P. Gieger, Jr.](#), [Andrew A. Braun](#), Attorneys at Law, 701 Poydras Street, Suite 4800 One Shell Square, New Orleans, LA 70139, (504) 561-0400, [Robert E. Winn](#), [Sharon C. Mize](#), Attorneys at Law, 201 St. Charles Avenue, 35th Floor, New Orleans, LA 70170-3500, (504) 582-1500

Attorneys for Respondent: [Walter C. Dumas](#), Attorney at Law, 1263 Government Street, Baton Rouge, LA 70802, (225)383-4701

Opinion

WRIT GRANTED

*1 **1 Relator-defendant, Thomas & Betts Corporation ("T&B"), seeks writs from the trial court's July 20, 2006 judgment on respondent-plaintiff, Terrence Hayes', motion to enforce judgment.

The judge who has been given notice of intention to seek writs shall immediately set a reasonable return date within which the application shall be filed in the appellate court.  [Uniform Rules-Courts of Appeal, Rule 4-3](#). However, relator's timely notice of intention to seek writs was denied by the trial court. When a relator makes a timely and genuine attempt to obtain the judge's signature on the order for which review is sought, the writ should not be refused. See, [City of New Orleans v. Benson](#), 95-2436 (La.App. 4 Cir. 12/14/95), 665 So.2d 1202. Accordingly, the writ will be considered.

On November 19, 2001, the jury in this matter returned a verdict that absolved T&B of fault. Afterwards, respondent was among those plaintiffs filing motions for judgment notwithstanding the verdict ("JNOV"). Noting that, "[a]ll plaintiffs subsequently brought Motions...requesting a JNOV against Thomas & Betts," the trial court granted "the motion for JNOV." T&B appealed and this Court, in [In re Gramercy Plant Explosion at Kaiser](#), 04-1151 (La.App. 5 Cir. 3/28/06), 927 So.2d 492, [writ denied](#), 06-1003 (La. 6/14/06), 929 So.2d 1271, found that the trial court erred in granting the JNOV and decreed, "the judgment of the district court is reversed and the jury verdict is reinstated." Therefore, the jury verdict absolving T&B of

fault in this matter was thereby reinstated by this Court. Accordingly, we find that the trial court erred in granting respondent's motion to enforce judgment and do hereby vacate that judgment.

JUDGE [FREDERICKA HOMBERG WICKER](#)

CHIEF JUDGE [EDWARD A. DUFRESNE, JR.](#)

JUDGE [WALTER J. ROTHSCHILD](#)

All Citations

Not Reported in So. Rptr., 2006 WL 8453927, 06-555 (La.App. 5 Cir. 7/1/06)

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.