

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

No. 56,035-CW

RONTERRICA SHANTEZ GRAY AND
DIAMOND SHREE JACKSON

VERSUS

MESSIAH CONNER, MARGARET CONNER
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, AND GEICO
INDEMNITY COMPANY

FILED: 07/17/24

RECEIVED: EMAIL 07/17/24

On application of GEICO Casualty Company for SUPERVISORY WRIT in
No. 20230463 on the docket of the Fourth Judicial District, Parish of OUACHITA,
Judge Jefferson Bryan Joyce.

TAYLOR, PORTER, BROOKS, ET AL.
Stephen Dale Cronin

Counsel for:
GEICO Casualty Company a/k/a
GEICO Indemnity Company

Gregory George Elias

Counsel for:
Ronterrica Shantez Gray and Diamond
Shree Jackson

CASTEN & PEARCE, APLC
Claude Wilbur Bookter, Jr.

Counsel for:
Messiah Conner, Margaret Conner,
and State Farm Mutual Automobile
Insurance Company

Before PITMAN, STEPHENS, and MARCOTTE, JJ.

WRIT GRANTED AND MADE PEREMPTORY; REMANDED.

The applicant, Geico Indemnity Company, seeks supervisory review of the trial court's June 12, 2024 "Order on Motion," granting the plaintiffs' motion to continue the hearing on applicant's motion for summary judgment. In this case, both the opposition to the summary judgment and motion for continuance were filed by plaintiffs after the 15-day opposition deadline had run. The plaintiffs have argued that improper calendaring of the hearing date constituted good cause

for the continuance. Citing equitable concerns regarding plaintiffs' inability to oppose a summary judgment, the trial court granted the continuance of this matter.

In the absence of consent by the parties, a trial court has no discretion to extend the 15-day deadline for filing an opposition set forth in La. C.C.P. art. 966(B)(2). Moreover, a continuance under La. C.C.P. art. 966(C)(2) cannot serve as a pretext to circumvent the deadlines set forth in La. C.C.P. art. 966(B)(2). *Hadwin v. ABC Ins. Co.*, 24-00072 (La. 4/9/24), 382 So. 3d 827.

Under these circumstances, we find that the plaintiffs failed to show good cause for a continuance, and the granting thereof was an abuse of discretion by the trial court. *Newsome v. Homer Memorial Medical Center*, 10-0564 (La. 4/9/10), 32 So. 3d 800. Accordingly, this writ is granted, and the trial court's ruling is reversed. The matter is remanded to the trial court for a hearing on the applicant's motion for summary judgment without consideration of the plaintiffs' untimely opposition.

Shreveport, Louisiana, this 23 day of August, 2024.

JGO JMS Com

FILED: August 23, 2024

Stacy Jensen

DEPUTY CLERK