

Judgment rendered September 30, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 2166,
La. C.C.P.

No. 57,135-CA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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SUCCESSION OF MARTHA SUSAN PACK

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Appealed from the

First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 655,635

Honorable Brady D. O’Callaghan, Judge

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MIRAMON LAW, INC.
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Taylor Anderson
Weigand and Carlie
Weigand

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Counsel for Appellee,
Michael Paul McClendon

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Before STONE, STEPHENS, and ELLENDER, JJ.

ELLENDER, J.

Taylor and Carlie Wiegand appeal a ruling, which the district court designated a final judgment, granting Paul McClendon's motion to reconsider two prior rulings that had declined McClendon's petition to probate his mother's olographic will. Because the ruling is interlocutory, rather than final and appealable, we lack jurisdiction, dismiss the appeal, and remand for further proceedings.

PROCEDURAL HISTORY

McClendon filed this petition to probate the olographic will of his mother, Martha Susan Pack. By a ruling dated March 6, 2025, and without a hearing, the district court marked McClendon's proposed order "not signed," citing a formal defect in the date on the will.

McClendon then filed a motion to reconsider, attaching a supplemental page that he felt would cure the defect, but he had wished to keep confidential. By ruling dated March 17, 2025, again without a hearing, the district court marked this proposed order "denied," noting the document did not appear to be part of the will.

After this, Taylor Wiegand, a grandson of Ms. Pack's, filed his own petition seeking to be named administrator of the intestate estate. The district court marked his proposed order "unsigned until hearing can be held."

McClendon took a writ to this court, *Succession of Pack*, 56,516 (La. App. 2 Cir. 5/20/25), which was denied on the showing made. He then filed his own petition to be named administrator. Taylor, joined by his sister, Carlie, objected to this appointment. After a hearing on June 30, 2025, the

court rendered judgment naming McClendon administrator, with a \$1 million bond.

McClendon then filed this, his “second motion to reconsider,” arguing that the recent amendment to La. C.C. art. 1575 (C) rectified the perceived deficiencies in Ms. Pack’s olographic will. After a hearing, the district court granted reconsideration and, by order dated February 9, 2026, rescinded its two prior orders and directed the parties to seek further remedies and relief.

The Wiegands moved for devolutive appeal of this ruling. They then moved to designate the February 9 ruling a final, appealable judgment, under La. C.C.P. art. 1915 (B). The district court signed this *ex parte*.

DISCUSSION

On our own motion, we notice a lack of jurisdiction. A judgment is the determination of the rights of the parties in an action and may award any relief to which the parties are entitled. La. C.C.P. art. 1841. It may be interlocutory or final. *Id.* A judgment that determines the merits in whole or in part is a final judgment. *Id.* A judgment that does not determine the merits but only preliminary matters in the course of the action is an interlocutory judgment. *Id.*; *Snyder Land Mgmt. LLC v. BPX Oper. Co.*, 56,203 (La. App. 2 Cir. 4/9/25), 409 So. 3d 1084.

The February 9 ruling falls into the latter category. It does not accept or reject the olographic will; it does not distribute any assets of the estate; it does not appoint or remove a succession representative. All it does is allow the parties to litigate the validity of the will. There is no final judgment from which to appeal.

The district court designated this ruling a final, appealable judgment, but a recent amendment to La. C.C.P. art. 1915 (B), effective August 1,

2025, revoked the option of designating an interlocutory judgment as immediately appealable. La. C.C.P. art. 1915, Comment (a) – 2025. The trial court may no longer designate a judgment as final and appealable after an express determination that there is no just reason for delay. *LaPalco Village Joint Venture v. Pierce*, 26-135 (La. App. 5 Cir. 6/5/26), __ So. 3d __.

As amended, and as applies to this case, Art. 1915 provides:

A. A final judgment may be rendered, even though it may not grant the successful party or parties all of the relief prayed for, or may not adjudicate all of the issues in the case, when the court:

(1) Dismisses the suit as to fewer than all of the parties, defendants, third-party plaintiffs, third-party defendants, or interveners.

(2) Grants a motion for judgment on the pleadings, as provided by Articles 965, 968, and 969.

(3) Grants a motion for summary judgment, as provided by Articles 966 through 969, but not including a summary judgment granted pursuant to Article 966(E).

(4) Grants a judgment on either the principal or incidental demand, when the two have been tried separately, as provided by Article 1038.

(5) Grants a judgment on the issue of liability when that issue has been tried separately by the court, or when, in a jury trial, the issue of liability has been tried before a jury and the issue of damages is to be tried before a different jury.

(6) Imposes sanctions or disciplinary action pursuant to Article 191, 863, or 864 or Code of Evidence Article 510(G).

B. If an appeal is taken from any judgment rendered in accordance with Paragraph A this Article, the trial court shall retain jurisdiction to adjudicate the remaining issues in the case.

The February 9, 2026, order, which granted reconsideration of two prior orders, is not any of the type listed in Art. 1915 (A). In light of the amendment to Art. 1915 (B), this court lacks jurisdiction to hear the appeal from this order.

The appellate court has the authority to exercise supervisory jurisdiction over an unauthorized appeal if the appeal was taken in the time

frame for a writ application. URCA 4-3; *Burmaster v. Plaquemines Parish Gov't*, 07-2432 (La. 5/21/08), 982 So. 2d 795; *Winterer v. Winterer*, 54,480 (La. App. 2 Cir. 3/9/22), 335 So. 3d 538; *AG Res. Mgmt. LLC v. Bunge N. Am. Inc.*, 53,417 (La. App. 2 Cir. 3/4/20), 293 So. 3d 1179. However, this conversion hinges on judicial economy, and we find no such economy here: no substantive hearing has yet been held, the validity of the will has never been adjudicated, and we are disinclined to make a pronouncement before facts have been offered and law applied. Moreover, converting this appeal would do nothing to “remove uncertainty as to whether an appeal or a supervisory writ should be taken” from an interlocutory ruling. La. C.C.P. art. 1915, Comment (a) – 2005.

As guidance to the parties and the court on remand, we will briefly address two of the Wiegands’ arguments. By their first assignment of error, they contend the district court lacked authority to set aside its prior judgment by motion to reconsider. The Louisiana Code of Civil Procedure does not provide for a motion to reconsider with respect to any judgment, but courts routinely interpret such a motion as a motion for new trial. *Harris v. La. Dept. of Pub. Safety & Corrs.*, 19-1657 (La. App. 1 Cir. 8/3/20), 310 So. 3d 211; *State v. Redmann*, 17-50 (La. App. 5 Cir. 10/25/17), 231 So. 3d 897. On remand, the parties may treat McClendon’s motions in this way.

By their second assignment of error, they contend the court erred when it opined that its March 6, 2025, judgment was not a final and definitive judgment. In support, they cite this court’s opinion in *Successions of Neal*, 56,470 (La. App. 11/19/25), 425 So. 3d 242, which declined to apply the amended version of La. C.C. art. 1575 to a judgment of possession that had been rendered before the effective date of the amendment.

Subsequently, however, the Supreme Court rendered *Succession of Brocato*, 25-00367 (La. 3/6/26), 429 So. 3d 201. *Brocato* held the amendment applied, prospectively and retroactively, to “all claims existing and pending” on the effective date. Specifically, the court applied the amendment to a judgment rendered and an appeal taken before the amendment became effective. *Id.* at 5, 429 So. 3d at 206-207. In short, the new version of Art. 1575 applies to claims on appeal or review, and any contrary suggestion in *Successions of Neal* must be deemed overruled.

CONCLUSION

For the reasons expressed, the appeal is dismissed. The Wiegands are to pay all costs.

APPEAL DISMISSED; CASE REMANDED FOR FURTHER PROCEEDINGS.