Judgment rendered November 18, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 2166,
La. C.C.P.

No. 57,073-CA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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JOINT SUCCESSIONS OF NEIL E. MOORE
AND DORIS HELENA WARD MOORE

* * * * *

Appealed from the
Twenty-Sixth Judicial District Court for the
Parish of Bossier, Louisiana
Trial Court No. P-22837

Honorable Douglas M. Stinson, Judge

* * * * *

BROUSSARD & NEWLEN
LAW FIRM, LLC
By: Christopher D. Broussard
Pamela King Newlen

Counsel for Appellants,
Karen Moore and Sandra
Moore Graves

MIRAMON LAW, INC.
By: Julia Miramon Todd

Counsel for Appellees,
Susan Moore Rush and
Bruce Moore

* * * * *

Before PITMAN, STONE, and ELLENDER, JJ.

PITMAN, C. J.

Karen Moore and Sandra Moore Graves appeal the trial court's finding that the purported last wills and testaments (the "Wills") of their parents, Neil E. Moore and Doris Helena Ward Moore, are null. For the following reasons, we reverse the trial court's denial of Karen and Sandra's motion to continue, vacate its judgment nullifying the Wills and remand for further proceedings.

FACTS

On November 22, 2021, Susan Moore Rush filed a petition to be appointed administrator of her parents' successions. She noted that her parents, Neil and Doris Moore, were married once, to each other, and that five children were born of the marriage—Karen, Bruce, Kathryn, Sandra and Susan. She stated that her father died on April 17, 2017; her mother died on February 18, 2021; and both died intestate. She filed an interim detailed descriptive list showing the combined value of their estates to be $155,042.50, consisting entirely of their house and vehicle. Decedents also maintained bank accounts, but she was unaware of their values.

On August 12, 2022, Karen filed a petition to record and execute her parents' Wills. She alleged that the Wills, dated November 11, 2016, were in statutory form and named her as executrix. She requested that the trial court name her independent executrix and remove Susan as administrator.

On September 22, 2022, Susan and Bruce filed a petition to annul the purported Wills. They alleged that one witness did not witness the signing of the Wills; that the notary signed that witness's name; and that the notary did not see Neil in person or witness him sign his Will.

On June 21, 2023, Karen and Kathryn filed a motion to continue. Their counsel, John McWilliams, stated that he suffered injuries in a motor vehicle accident that left him unable to properly prepare for the trial scheduled for July 13, 2023. He also stated that he worked from home and was without power for nine days in June 2023. Counsel for Susan and Bruce agreed to the continuance, and the trial court stated that a new trial date would be fixed by agreement of the parties.

On February 9, 2024, Susan and Bruce filed a motion for summary judgment.[1] They contended that as the decedents did not sign the Wills purporting to bear their signatures, the Wills were invalid. They attached to their motion the report and affidavit of Robert Foley, a forensic document examiner who confirmed that Neil and Doris's signatures were forgeries.

On April 2, 2024, Karen and Kathryn filed an opposition. They argued that the allegation that Neil and Doris did not sign the Wills was false. They attached to their opposition the depositions of Karen, Kathryn, Sandra, the witnesses to the signings of the Wills, the notary, a family friend and the decedents' primary care physician. They also attached the report of Brenda Petty, a certified questioned document examiner, who opined that the decedents' signatures on the Wills were authored by the same hands that authored their known comparison signatures.

On December 23, 2024, Karen and Kathryn filed a motion to continue the trial set for March 6, 2025. They stated that Mr. McWilliams could not properly prepare for trial due to vision loss.

[1] Susan and Bruce later withdrew this motion.

On January 6, 2025, Susan and Bruce filed an opposition to the motion to continue. They stated that the case had been pending for three years and detailed the times that Karen, Kathryn and their counsel delayed the proceedings. They also alleged that Mr. McWilliams filed a petition in Richland Parish, naming them as defendants, at the same time he was unable to prepare for trial in this case. They contended that if Mr. McWilliams was continually ill or unable to prepare, he had a duty to withdraw and advise his clients to obtain other counsel.

On January 9, 2025, the parties filed a joint motion to modify the discovery period. They acknowledged Mr. McWilliams's health concerns and agreed to modify the end of the period of discovery from 60 days prior to trial to 40 days.

On January 31, 2025, Mr. McWilliams filed a response to the opposition to continue trial. He stated that he advised Karen, Kathryn and Sandra to seek other counsel to assist him. On February 10, 2025, he filed a motion to withdraw as counsel. The trial court signed an order allowing him to withdraw; granted Karen, Kathryn and Sandra 30 days to enroll new counsel; and continued the trial to a future date agreed to by the parties.

On March 5, 2025, Karen, Kathryn[2] and Sandra filed a motion for David White to enroll as their counsel. The trial court allowed him to enroll.

Following a scheduling conference on April 29, 2025, trial was scheduled for September 26, 2025.

On September 22, 2025, Mr. White filed a motion to withdraw as counsel. He stated that information was brought to his attention which led

[2] The record suggests that Kathryn passed away in March 2025.

him to doubt the legitimacy of the Wills such that to continue to advocate for their validity would violate Louisiana Rules of Professional Conduct 3.1. He stated that he explained to his clients that he could not proceed and noted that he secured permission from opposing counsel to withdraw.

On September 25, 2025, Karen and Sandra, pro se, filed a motion to continue. They noted that there were four days between Mr. White's withdrawal and trial. They contended that it was impossible to obtain new legal representation and prepare the case for trial. They alleged that Ms. Petty changed her opinion and that it was difficult to secure another document examiner.

On September 25, 2025, Susan and Bruce filed an opposition to the motion to continue. In the alternative, they requested that the court grant Karen and Sandra 30 days to obtain new counsel, that the scheduling order remain in place and that the matter be set for the court's earliest date with no further continuances.

Following a hearing on September 26, 2025, the trial court allowed Mr. White to withdraw, granted Karen and Sandra's motion to continue and reset the trial for December 12, 2025. It also gave Karen and Sandra 30 days to retain counsel and 45 days to hire an expert, notify opposing counsel of the hire and provide the expert report.

On October 27, 2025, Karen and Sandra, pro se, filed a motion to continue. They stated that despite their diligent and good faith efforts, they were unable to secure new counsel within the time allowed. They noted that on September 29, 2025, Sandra's husband was hospitalized, which limited their ability to attend to legal matters.

On November 6, 2026, Susan and Bruce filed an opposition to the motion to continue.

On November 10, 2026, Karen and Sandra, pro se, filed a notification that they retained an expert witness. They noted that they had not secured legal representation and alleged that potential counsel indicated that the complexity of the case required additional preparation time to ensure effective representation.

A hearing was held on November 18, 2025. The trial court denied Karen and Sandra's October 27, 2025 motion to continue and explained:

> Mr. White filed a motion to withdraw due to I think he put forward ethical concerns continuing to represent y'all, so I granted your request for a continuance on September 26th, but I set the trial date for December 12th. I understand that an attorney may not want to take over a case that's been pending since 2021, however, I've got to weigh that against the side's right to have the case heard. And I felt like in September they had a good argument for me not to grant your continuance, but out of caution I granted it to give y'all time to hire someone. But I can't just give y'all an indefinite amount of time and so with that, your motion for continuance is going to be denied.

On December 12, 2025, the day of trial, Karen and Sandra stated that they had been working with an attorney, Curtis Shelton, for the past month, but he needed a minimum of 90 days to prepare. They noted that other attorneys they contacted needed four to six months to prepare. The trial court responded:

> I've reviewed the record and this matter was originally set for trial sometime in 2023, got continued through no fault of y'all's. I think Mr. McWilliams had a car accident. But it's been set for trial several times and the last time y'all had Mr. David White as counsel and on the day of trial he withdrew and . . . I hear a lot of cases but I feel like y'all were here on that day and y'all agreed to let me allow him to withdraw and I told y'all today would be the trial date and I gave y'all time, I even gave y'all time to hire a new expert which Ms. Todd did not want me to give y'all. I gave y'all time to do that and I gave y'all at least 60 days to hire a new attorney. And although this

> case has been pending a long time, I don't necessarily think the issues are that complicated. It's one side says the wills are forged, the other side says they aren't. And I told you that back in September, that they have just as much of a right to have the case brought to a conclusion as y'all did to the continuance, but I granted a continuance. But I can't just keep granting a continuance and so I'm not continuing the case.

Trial then commenced.

On December 30, 2025, the trial court signed a judgment ordering that the Wills filed were null for noncompliance with the formalities of Louisiana law.

Karen and Sandra, now represented by new counsel, appeal.

DISCUSSION

In their first assignment of error, Karen and Sandra argue that the district court abused its discretion under La. C.C.P. art. 1601 and denied them a meaningful opportunity to be heard by refusing to continue the December 12, 2025 trial after their counsel withdrew. They state that they diligently but unsuccessfully sought replacement counsel for a complex succession trial and did not cause the delays. They allege that Mr. White withdrew without subpoenaing witnesses, filing a pretrial brief or indicating to them that he had ethical concerns about the case. They argue that the trial court compelled them to undertake in weeks the work that attorneys advised would require at least 90 days. They state that they do not claim an unlimited right to delay but contend that they requested a reasonable continuance that did not prejudice Susan and Bruce.

Susan and Bruce argue that the trial court did not abuse its discretion in denying an additional continuance. They contend that Karen and Sandra had years to prepare, were represented by successive counsel, received multiple continuances and were given additional time to obtain new counsel

and expert assistance before trial. They argue that further delays would have prejudiced them and frustrated the orderly administration of the successions.

A continuance may be granted in any case if there is good ground therefor. La. C.C.P. art. 1601.

The trial judge has wide discretion in acting upon a motion for continuance. *Wilkerson v. Darden Direct Distribution, Inc.*, 53,263 (La. App. 2 Cir. 3/4/20), 293 So. 3d 146. The ruling will not be disturbed on appeal in the absence of a clear showing of abuse of that discretion. *Id*. An abuse of discretion occurs when such discretion is exercised in a way that deprives a litigant of his day in court. *Id*.

The trial court must consider the particular facts in each case in deciding whether to grant or deny a discretionary continuance. *Wilkerson v. Darden Direct Distribution, Inc.*, *supra*. Some factors to consider are diligence, good faith and reasonable grounds. *Id*. Equally important is the defendant's corollary right to have his case heard as soon as is practicable. *Id*. The trial court may also weigh the condition of the court docket, fairness to both parties and other litigants before the court and the need for orderly and prompt administration of justice. *Id*.

Generally, a litigant whose lawyer withdraws at or near trial may be entitled to a continuance to employ another attorney. *Howard v. Lee*, 50,366 (La. App. 2 Cir. 1/13/16), 185 So. 3d 144. However, because the defendant's desire to have the case against him tried is also a factor, the claimant is not entitled to indefinite continuances simply because he is unable to secure counsel. *Id*. Because the discharge of one's lawyer is not, by itself, grounds for the postponing of another party's access to the courts

for a decision in a pending action, the client bears the burden of showing other circumstances that would justify a continuance. *Id*.

Under the particular circumstances of this case, the trial court abused its discretion in denying Karen and Sandra's October 27, 2025 motion to continue the December 12, 2025 trial. This case is distinguishable from *In re Ginger Evelyn Brazzel 2011 Inter Vivos Tr.*, 56,702 (La. App. 2 Cir. 12/10/25), 427 So. 3d 335, where this court found that the trial court did not abuse its discretion in denying a motion to continue but emphasized that the parties did not avail themselves of counsel during the four years the suit was pending. *See also Johnson v. Bhandari*, 52,545 (La. App. 2 Cir. 2/27/19), 266 So. 3d 961, *writ denied*, 19-0658 (La. 6/17/19), 274 So. 3d 572. Here, Karen and Sandra were represented by counsel from when they filed their original petition until Mr. White withdrew. They did not discharge either of their counsel—Mr. McWilliams withdrew due to health concerns, and Mr. White withdrew pursuant to Louisiana Rules of Professional Conduct 3.1. The record suggests that they exercised diligence and good faith to obtain new counsel after Mr. White's withdrawal. In their October 27, 2025 motion to continue, they noted that they worked with the Louisiana State Bar Association to secure new representation but had not been successful. In their November 10, 2026 filing, they stated that they had not yet hired a new attorney because potential counsel required additional time to effectively prepare for trial. On December 12, 2025, they named the attorney they had been working with for a month to prepare for trial but explained he needed a minimum of 90 days to represent them.

This court recognizes the considerations of fairness to Susan and Bruce and of the orderly and prompt administration of justice. We

emphasize that Karen and Susan are not entitled to indefinite continuances. However, the record in this case suggests that with a continuance of 90 days, Karen and Susan could have had their day in court and been represented by counsel who had a reasonable amount of time to prepare for trial.

Accordingly, this assignment of error has merit. This finding pretermits discussion of Karen and Sandra's remaining assignments of error.

CONCLUSION

For the foregoing reasons, we reverse the trial court's denial of Karen Moore and Sandra Moore Graves's motion to continue, vacate its judgment nullifying the last wills and testaments of Neil E. Moore and Doris Helena Ward Moore and remand for further proceedings. Costs of this appeal are assessed to Susan Moore Rush and Bruce Moore.

JUDGMENT REVERSED; JUDGMENT VACATED; REMANDED FOR FURTHER PROCEEDINGS.