

NOT DESIGNATED FOR PUBLICATION

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

00-632

ROGER R. ARNOLD, ET AL.

VERSUS

DONALD S. HANCOCK

APPEAL FROM THE
SEVENTH JUDICIAL DISTRICT COURT,
PARISH OF CATAHOULA, NO. 23,175 "A"
HONORABLE KATHY A. JOHNSON, DISTRICT JUDGE

**OSWALD A. DECUIR
JUDGE**

Court composed of Oswald A. Decuir, Marc T. Amy, and J. David Painter, Judges.

APPEAL REINSTATED.

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DECUIR, Judge.

Defendant-Appellant, Donald S. Hancock, has filed a Motion to Reinstate Appeal. The plaintiffs-appellees, Roger R. Arnold, Anita Neal Arnold, and Roger B. Arnold, have filed an opposition to the motion for reinstatement. For the reasons which follow, we grant the motion and order the reinstatement of the appeal.

The appellant appealed an adverse ruling of the Seventeenth Judicial District Court. The judgment was dated February 14, 2006, and the appeal was granted on March 16, 2006.

On June 21, 2006, this court issued an order directed to the appellant requiring that the appellate brief be filed in this court within thirty days of the order on penalty of dismissal of the appeal. However, due to proceedings in United States Bankruptcy Court, this court issued a stay of this appeal on June 30, 2006.

Upon notice of the termination of the stay issued by the bankruptcy court, this court set aside its stay in this appeal on August 10, 2006. On that same date, this court forwarded a Notice of Lodging and Briefing Order directing the appellant to file his appellate brief by September 5, 2006. On September 7, 2006, this court issued an Order of Dismissal due to the appellant's failure to timely file a brief.

On September 15, 2006, the appellant filed a motion to reinstate his appeal. The appellant asserts that his appeal brief was placed with the United States Postal Service on September 5, 2006, but that the brief was returned to the appellant's counsel because due to a change in the procedures of the Postal

Service. The brief was supported by an affidavit attesting to the fact that the brief was timely placed with the post office.

Because this court recognizes that appeals are favored, and in light of the appellant's placement of the brief with the postal service by September 5, 2006, the date originally ordered by this court, this appeal is hereby reinstated.

See Castillo v. Russell, 2005-2110 (La. 2/10/06), 920 So.2d 863.

APPEAL REINSTATED.