

NOT DESIGNATED FOR PUBLICATION

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

07-1095, 07-1149

GOLDIE M. JACK

VERSUS

NICK LEBAS

**APPEAL FROM THE
VILLE PLATTE CITY COURT
PARISH OF EVANGELINE, NO. 06-21902
HONORABLE KENNETH BOAGNI, JR. PRESIDING, JUDGE**

**GLENN B. GREMILLION
JUDGE**

Court composed of Jimmie C. Peters, Michael G. Sullivan, and Glenn B. Gremillion, Judges.

MOTION TO DISMISS APPEAL GRANTED.

**Goldie M. Jack
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Plaintiff/Appellant:
Pro se**

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COUNSEL FOR DEFENDANT/APPELLEE:
Nick Lebas**

SAUNDERS, Judge.

The defendant, Nick Lebas, moved to dismiss the unlogged appeal of the plaintiff, Goldie M. Jack, because her motion for appeal was untimely filed pursuant to La.Code Civ.P. art. 5002. Before this court issued its opinion on the motion, the plaintiff's appeal was lodged in this court on September 19, 2007. For the reasons assigned, we grant the motion to dismiss.

This is a personal injury case. On April 17, 2007, the trial court signed a final judgment in favor of the defendant. Notice of the judgment was mailed to the plaintiff on April 18, 2007. The plaintiff fax filed a motion and order for appeal on May 2, 2007. Thereafter, the plaintiff followed up with a handwritten motion and order for appeal filed on May 15, 2007. The trial court signed the order for appeal on May 16, 2007.

Louisiana Code of Civil Procedure Article 5002 provides that an appeal from a city court judgment must be taken within ten days of either the judgment or the notice of service of judgment, if required. In the instant case, the plaintiff did not fax file her motion and order for appeal until fourteen days after the notice of service of judgment. The plaintiff's appeal was untimely taken. Accordingly, we grant the motion to dismiss the plaintiff's appeal at plaintiff's cost. Further, for the reasons stated above, we hereby dismiss this court's docket number 07-1095 assigned to the instant appeal.

MOTION TO DISMISS APPEAL GRANTED.

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION.

Rule 2-16.3 Uniform Rules, Court of Appeal.