

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

KAREN TEMPLE

No. 56,407-CA

VERSUS

Appealed from
Lincoln Parish

RICHARD BALLARD,
M.D., ET AL

No. 62,076

Before PITMAN, HUNTER, and ELLENDER, JJ.

ORDER

The appellant, Karen Temple, has appealed the trial court's December 18, 2023, judgment in favor of the defendants, dismissing the appellant's claims with prejudice. The appellant's motion for devolutive appeal, filed on July 29, 2024, appears to be untimely.

Notice of the judgment was mailed to the parties on December 19, 2023. The delay for filing a motion for judgment notwithstanding the verdict or a motion for new trial is seven days, exclusive of legal holidays, commencing on the day after the clerk has mailed or the sheriff has served the notice of judgment. La. C.C.P. arts. 1811 and 1974. Considering numerous legal holidays, including the Christmas and New Year's Day holidays, we calculate that the delay for filing a motion for judgment notwithstanding the verdict or a motion for new trial expired on January 3, 2024. The appellant's motion, filed on January 5, 2024, appears to be untimely. An untimely motion for new trial does not stop the appellate delays from running, and absent a timely motion for appeal, the appellate court lacks jurisdiction over the appeal. *Bank of America, N.A. v. Clower*, 44,749 (La. App. 2 Cir. 9/23/09), 24 So. 3d 911, *writ denied*, 09-2330 (La. 1/8/10), 24 So. 3d 873. In the absence of a timely filed motion for judgment notwithstanding the verdict or new trial, the appellant's subsequent motion for devolutive appeal was untimely. La. C.C.P. art. 2087.

The appellant is hereby ordered to show cause within 20 days of this order why this appeal should not be dismissed. Briefing is hereby suspended pending further orders of this Court.

Shreveport, Louisiana, this 27 day of March 2025.

MLH JGO DJE

FILED: March 27, 2025

Molly Melton
DEPUTY CLERK