

11/17/04 “See News Release 086 for any concurrences and/or dissents.”

**SUPREME COURT OF LOUISIANA**

No. 04-C-2115

***DEEP SOUTH TOWING OF NEW ORLEANS***

***versus***

***SEDGWICK OF NEW ORLEANS, ET AL***

**On Writ of Certiorari to the Court of Appeal, Fourth Circuit,  
Parish of Orleans**

**PER CURIAM**

The ruling of the Fourth Circuit Court of Appeal refusing to consider the exception of peremption as an alternative ground for affirming the judgment of dismissal is reversed. *See Succession of Markham*, 180 La. 211, 156 So. 225 (1934) and *Roger v. Estate of Moulton*, 513 So.2d 1126 (La. 1987). The case is remanded to the Fourth Circuit Court of Appeal to review the trial court’s denial of the exception of peremption.