

03/31/2017 "See News Release 019 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

2017-OC-43

**ALDEN CHAUVIN, ANYCE CHAUVIN LAMBERT
AND MELVIN A. CANNON**

VS.

**SHELL OIL COMPANY, VALERO REFINING - NEW ORLEANS, L.L.C.,
SHELL PIPELINE COMPANY, LP, AIR PRODUCTS & CHEMICALS,
INC., SOUTHERN NATURAL GAS COMPANY, L.L.C., PARKWAY
PIPELINE & ST. CHARLES PARISH SEWERAGE DISTRICT NO. 1
THROUGH THE ST. CHARLES PARISH COUNCIL**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIFTH CIRCUIT, PARISH OF ST. CHARLES**

PER CURIAM

La. Code of Civil Proc. article 1974 provides:

The delay for applying for a new trial shall be seven days, exclusive of legal holidays. The delay for applying for a new trial commences to run on the day after the clerk has mailed, **or the sheriff has served**, the notice of judgment as required by Article 1913.

(Emphasis added.)

This statute specifically addresses the procedure for applying for a new trial. Plaintiffs timely filed a motion for new trial based on the date notice of judgment was served by the sheriff. This request for a new trial was timely, as was the subsequent devolutive appeal.

Appeals are favored under the law. *Shell Pipeline Corp. v. Kennedy*, 2000-3207 (La. 10/16/01), 799 So. 2d 475, 478. Plaintiffs' appeal is reinstated and the matter is remanded to the court of appeal for consideration on the merits.