

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1, 5 and 25 of the Louisiana Constitution of 1974, and the inherent power of this Court,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Louisiana Supreme Court Rule X, Section 5(d) be and is hereby deleted in its entirety and amended to read as follows:

(d) An application properly mailed shall be deemed timely filed if mailed on or before the last day of the delay for filing. If the application is received by mail on the first legal day following the expiration of the delay, there shall be a rebuttable presumption that it was timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or cancellation stamp or by official receipt or certificate from the United States Postal Service, or bonafide commercial mail services such as Federal Express or United Parcel Service, made at the time of mailing which indicates the date thereof. Any other date stamp, such as a private commercial mail meter stamp, or label from an Automated Postal Center, shall not be used to establish timeliness.

Applications forwarded by private delivery or courier service shall be deemed timely filed only if received by the clerk on or before the last day of the delay for filing.

This rule change shall become effective upon signing, and shall remain in full force and effect thereafter, until amended or changed through future orders of this Court.

New Orleans, Louisiana, this _____ day of October, 2015

FOR THE COURT:

Bernette Joshua Johnson, Chief Justice