



Due to effects of Hurricane Gustav – Request for extension to deadline

Friday, September 12, 2008 9:59 PM

From: "S H"

To: dscs.appeals@la.gov

Mark Falcon letter to Ms. Roxie F. Goynes, Referee - Motion for Partial Summary Disposition.pdf (1010KB),
Executive_Order_Number_BJ08_92.pdf (452KB)

Ms. Goynes:

As per the attached letter, you gave me until Friday, September 5, 2008, to file a response to the Motion for Partial Summary Disposition. I am aware that as per the attached State of Louisiana Executive Order No. BJ 08-92, which applied retroactively from Friday, August 29, 2008, the deadline provided to me was suspended until Friday, September 12, 2008.

However, I have been unable to respond as of this time due to the effects of Hurricane Gustav upon me and my residence and the duration of time without electricity or internet access.

Therefore, I am respectfully requesting an extension of the deadline for me to file a response to this motion.

Thank you,
Susan Hill

State of Louisiana

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. BJ 08 - 92

Emergency Suspension of Deadlines in Legal, Administrative, and Regulatory Proceedings

- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes;
- WHEREAS,** Hurricane Gustav struck the state of Louisiana causing severe flooding and damage to the state, which has threatened the safety and security of the citizens in the affected areas, along with private property and public facilities;
- WHEREAS,** pursuant to Proclamation No. 51 BJ 2008, a state of emergency was declared for the entire state on August 27, 2008, and is currently in effect;
- WHEREAS,** as a direct consequence of the disaster, evacuation, and subsequent flooding and power outages, there are extreme challenges to communication networks between citizens, which has created an obstruction to citizens attempting to timely exercise their rights to effectively pursue or defend claims in legal, administrative, and regulatory proceedings;
- WHEREAS,** La. Constitution Art. I §22 provides that all courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights;
- WHEREAS,** Hurricane Gustav has also rendered several court houses and other state facilities temporarily inoperable and/or not fit for occupancy;
- WHEREAS,** the destruction and disruption of services and infrastructure to our system of justice caused by Hurricane Gustav will have a profound impact on the basic rights to an untold number of persons unless action is taken to suspend the effects of the tolling of legal delays during the period of this emergency; and
- WHEREAS,** the Speaker of the House of Representative, the President of the Senate, the Louisiana State Bar Association, the Louisiana Association of Justice, and the Louisiana Association of Defense Counsel have each requested the governor to suspend all deadlines applicable to legal, administrative, and regulatory proceedings, including prescription and peremption, in all Louisiana state courts, administrative agencies and boards;

NOW THEREFORE I, BOBBY JINDAL, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: All deadlines in legal, administrative, and regulatory proceedings, including liberative prescriptive and peremptive periods in all courts, administrative agencies, and boards are hereby suspended until Friday, September 12, 2008, including, but not limited to, any such deadlines set for in the following:

- A. Louisiana Civil Code;
- B. Louisiana Code of Civil Procedure;
- C. R.S. Title 9, Civil Code Ancillaries;
- D. R.S. Title 13, Courts and Judicial Procedure;
- E. R. S. Title 18, Chapter 11, Election Campaign Finance;
- F. R.S. Title 23, Chapter 10, Worker's Compensation;
- G. R.S. Title 40, Chapter 5 Part XXI-A, Malpractice Liability for State Services;
- H. R.S. Title 40, Chapter 5, Part XXIII, Medical Malpractice; and
- I. R.S. Title 49, Chapter 13, Administrative Procedure.

SECTION 2: This Order is effective upon signature and shall apply retroactively from Friday, August 29, 2008, through Friday, September 12, 2008, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, in the city of Baton Rouge, on this 5th day of September, 2008.



GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

SECRETARY OF STATE