

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-C-161

INNOVATIVE HISTORICAL RENOVATION, LLC

VERSUS

ASSOCIATED HOUSING CONTRACTORS, LLC

IN RE ASSOCIATED HOUSING CONTRACTORS, LLC
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
FRANK A. BRINDISI, DIVISION "E", NUMBER 839-556

TRUE COPY

May 01, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges John J. Molaison, Jr.,
Scott U. Schlegel, and Timothy S. Marcel

WRIT GRANTED

Associated Housing Contractors, LLC (“AHC”), as relator, and Innovative Historical Renovation, LLC (“IHC”), as respondent, are currently litigating in the 24th Judicial District Court regarding the renovation of a building in New Orleans. The sole issue is whether the trial court erred by denying AHC’s repeated request for a jury trial while granting IHC’s motion to strike a jury. We grant the application for the following reasons.

Relevant procedural history

The record before us is incomplete. IHC’s original petition is not included in the writ application, and we cannot determine whether it requested a jury for any trial-related issues. However, in its answer to AHC’s first amended and

supplemental reconventional demand, IHC refers to its original petition as one for declaratory relief. Similarly, we cannot determine whether AHC requested a jury trial in its answer to IHC's lawsuit or in its original reconventional demand, which named IHC's managing member, Theodore Mondale, as a defendant in his personal capacity. The writ application shows that on July 7, 2025, the trial court granted IHC's motion to strike AHC's jury demand. AHC did not seek review of that ruling. The trial court denied AHC's subsequent separate requests for a jury trial in orders dated February 12, 2026, and February 25, 2026. Again, AHC did not seek review of those rulings. On February 27, 2026, AHC filed another request for a jury trial within its Second Amended and Supplemental Answer and Reconventional Demand, which the trial court denied on March 5, 2026. This application followed.

Issue raised

AHC argues that the trial court abused its discretion in granting IHR's Motion to Strike Jury Demand.

Law and analysis

In Louisiana, the right to a jury trial in a civil case is a statutory right—not a constitutional one. As the Louisiana Supreme Court confirmed in *Riddle v. Bickford*, 00-2408 (La. 5/15/01), 785 So.2d 795, 799, there is no federal or Louisiana constitutional right to a jury trial in a civil case in Louisiana state courts, and the Seventh Amendment does not apply to state proceedings. Under La. C.C.P. art. 1733, a party must file a written pleading demanding a jury trial within ten days of service of the last pleading directed to any jury-triable issue. If the jury trial is not timely requested or sufficient bond not timely filed, the litigant loses the statutory right to a trial by jury. *Riddle v. Bickford*, 785 So.2d at 799-800. In the instant case, there is no evidence presented that the relator timely demanded a jury with respect to IHR's principal demands in its original petition.

AHC argues that the court should have granted its request for a jury trial because it filed its most recent request within 10 days after being served with the judgment granting IHC leave to file its Amended Petition. That petition included new causes of action—fraud, conversion, and negligent misrepresentation—which had never been pled before and also added a new defendant.

In *Barberito v. Green*, 275 So.2d 407 (1973), the Louisiana Supreme Court held that a plaintiff’s motion for jury trial was timely even though the original petition and answers had been filed more than two years earlier. In that case, the plaintiff had filed a supplemental and amending petition with leave of court to increase her damages demand, and one defendant’s answer to that supplemental petition was the last pleading directed to the issue of damages. The plaintiff filed her motion for jury trial within ten days of that answer. The Supreme Court reversed the denial of the jury trial request, holding that La. C.C.P. art. 1732 contained no requirement that the motion for a jury trial must be filed not later than ten days after the service of the last pleading raising a new issue—all that is required is that the jury trial demand be filed within ten days after service of “the last pleading directed to such issue.” The Court expressly found that damages, as an issue already in the case, was raised anew by the supplemental petition, and the answer restarted the ten-day clock.

In *Fradella v. Louisiana Materials, Inc.*, 502 So.2d 1157, 1158 (1987), the Fourth Circuit Court of Appeal directly addressed whether “a demand for jury trial, untimely in respect to all earlier pleadings but timely in respect to the answer to a supplemental and amending petition demanding greater damages, preserves the demander's right to jury trial.” The court answered yes. The defendants demanded a jury trial in their answer to the plaintiff's supplemental and amending petition (which corrected a defendant’s name, added its insurer, and increased damages). Even after the plaintiff sought to withdraw the supplemental petition in an effort to

avoid a jury trial, the court held that service of the petition and the answer had already occurred, and those served pleadings triggered the La. C.C.P. art. 1733(C) window.

The instant application contains a copy of IHR's motion for leave to file its first amended petition, in which IHR admits its intention to add a new defendant and new causes of action. The trial court granted IHR's motion for leave on February 20, 2026, and its amended petition was filed in the record on that same date. Notice of the judgment was issued by the trial court on February 25, 2026. AHC's demand for a jury trial was filed on February 27, 2026, within the ten-day period provided by La. C.C.P. art. 1733(C).

In accord with *Barberito* and *Fradella* we find that AHC's request for a jury, filed within 10 days of IHR's amended petition, was timely filed. Accordingly, we grant the writ and reverse the ruling of the trial court. In light of this disposition, we find that the relator's pending writ application bearing number 26-C-160 is moot.

Gretna, Louisiana, this 1st day of May, 2026.

JJM
SUS
TSM

SUSAN M. CHEARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **05/01/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-C-161

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Frank A. Brindisi (DISTRICT JUDGE)
Dennis O. Durocher, Jr. (Respondent)
Laurent J. Demosthenidy (Respondent)

Hope E. Hughes (Relator)
Raymond B. Landry (Respondent)

MAILED

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