

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-396

ELISE HOWELL

versus

METVET S. CORP., INC., ET AL.

IN RE ELISE HOWELL
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
DONALD L. FORET, DIVISION "H", No. 856-535

TRUE COPY

August 26, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

WRIT DENIED; STAY DENIED

Plaintiff/relator, Elise Howell, filed this writ application on August 25, 2026 seeking this Court's emergency supervisory review of the trial court's ruling of July 10, 2026, which denied her motion for continuance of the hearing on defendants' motion for summary judgment, which is set for hearing on August 28, 2026. Relator sought a stay of the hearing in the trial court, which was denied. Relator seeks a stay of the hearing in this Court pending resolution of this writ application.

This is a veterinary medical malpractice case which was filed by plaintiff on July 29, 2024, alleging negligence and malpractice by defendants in their treatment of her cat known as "Miss Priss" on January 24, 2024. A Case Management Schedule was signed by the trial court on March 9, 2026. The case is currently scheduled for trial on October 5, 2026. The Case Management Schedule states that plaintiff's witness list and expert reports were due on June 15, 2026, and defendant's witness list and expert reports were due on June 22, 2026. The writ application

reflects that defendants sent plaintiff their expert's report, affidavit, and CV on September 29, 2025. The Schedule also provides that all discovery is to be completed by July 6, 2026 and all dispositive motions are to be filed by July 30, 2026. Defendants filed their motion for summary judgment on June 17, 2026. Plaintiff filed her motion for continuance of the hearing on the motion for summary judgment on July 8, 2026. The trial court denied the motion for continuance without reasons on July 10, 2026. In her writ application, plaintiff argues that the trial court should have granted her motion for continuance because she has had inadequate time for completion of discovery.

Louisiana Code of Civil Procedure article 1601 provides for discretionary grounds for granting a continuance "if there is good ground therefor." *Gaudin & Gaudin v. IberiaBank Corp.*, 19-459 (La. App. 5 Cir. 3/17/20), 293 So.3d 755, 766, *abrogated on other grounds by Auricchio v. Harriston*, 2020-01167 (La. 10/10/21), 332 So.3d 660. The trial court must consider the particular facts of a case when deciding whether to grant or deny a continuance, including the diligence and good faith of the party seeking the continuance and other reasonable grounds. *Id.*, citing *McCoy v. Manor*, 18-1228 (La. App. 1 Cir. 5/9/19), 277 So.3d 344, 347. A trial court has great discretion in granting or denying a motion for a continuance under La. C.C.P. art. 1601, and that discretion will not be disturbed on appeal in the absence of clear abuse of discretion. *Succession of Maloney*, 21-618 (La. App. 5 Cir. 11/9/22), 353 So.3d 292, 298.

On the showing made, we cannot say that the trial court abused its great discretion in denying plaintiff's motion for continuance. Accordingly, relator's writ application is denied. Likewise, relator's request for a stay of the hearing is denied.

Gretna, Louisiana, this 26th day of August, 2026.

JGG
SMC
MEJ

SUSAN M. CHEHARDY
CHIEF JUDGE

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

JUDGES



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

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

(504) 376-1400
(504) 376-1498 FAX

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 **08/26/2026** 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:

A handwritten signature in blue ink that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

26-C-396

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Donald L. Foret (DISTRICT JUDGE)
John D. Schoonenberg (Respondent)

MAILED

Elise Howell (Relator)
In Proper Person
5647 Catina Street
New Orleans, LA 70120