

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

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No. 26-C-240

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GEORGE PAUL DORSEY, III

*versus*

NICOLE M. NEYREY

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**IN RE NICOLE M. NEYREY**

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE E. ADRIAN ADAMS, DIVISION "G", No. 814-099

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**TRUE COPY**

June 10, 2026



MORGAN NAQUIN  
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,  
John J. Molaison, Jr., and Scott U. Schlegel

**WRIT GRANTED FOR LIMITED PURPOSE;  
JUDGMENT VACATED; REMANDED WITH  
INSTRUCTIONS**

Relator, Nicole M. Neyrey, seeks review of the district court's April 27, 2026 judgment denying her objection to Domestic Commissioner's order. Specifically, relator argues that Mr. Neyrey waived any claim of abandonment by making voluntary child and spousal support payments. For the reasons that follow, we grant the writ for a limited purpose, vacate the April 27, 2026 judgment, and remand with instructions.

*Factual and Procedural Background*

Mr. Dorsey filed a Petition for Divorce on January 20, 2021. In response, Ms. Neyrey filed an Answer and Reconventional Demand on May 5, 2022,

requesting ongoing child support, interim periodic spousal support, final periodic spousal support, and other ancillary relief. On September 20, 2022, Ms. Neyrey's former counsel sent a letter to the Hearing Officer stating that "we are continuing the Rules set before you for a Hearing Officer Conference on September 21, 2022 without date as the parties are working to resolve the issues by consent."

Ms. Neyrey's writ application asserts that the parties never memorialized any agreement regarding child or spousal support after September 20, 2022, but that Mr. Dorsey extrajudicially tendered monthly support of \$7,000 and continued to do so until Ms. Neyrey served formal discovery requests on February 4, 2026.

On February 11, 2026, Mr. Dorsey filed an *Ex Parte* Motion to Dismiss Rules for Support on Grounds of Abandonment but failed to submit an affidavit in support of his motion as required by La. C.C.P. art. 561(A)(2). The motion to dismiss alleged that on July 14, 2022, Mr. Dorsey caused an affidavit of service to be filed into the record confirming service on a motion to continue and reset a rule for support filed by Ms. Neyrey. The motion to dismiss further alleged that since the filing of the affidavit of service on July 14, 2022, neither party had taken any step in the prosecution or defense of defendant's rules for support for a period well over three years.

Mr. Dorsey's motion to dismiss for abandonment was granted by the Domestic Commissioner on February 12, 2026. On February 20, 2026, Ms. Neyrey timely filed an objection to the Domestic Commissioner's order and also a Motion to Set Aside Dismissal.<sup>1</sup>

Ms. Neyrey's objection to the Domestic Commissioner's order was heard before the district court on April 13, 2026. No testimony, exhibits, or other evidence were offered at the hearing. The district court took the matter under

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<sup>1</sup> The relief requested in the objection to Domestic Commissioner's order is the same as that in the Motion to Set Aside Dismissal.

advisement. On April 27, 2026, the district court rendered a judgment denying Ms. Neyrey's objection to Domestic Commissioner's order.

Ms. Neyrey's timely filed writ application seeks review of the April 27, 2026 judgment.

*Law and Analysis*

La. C.C.P. art. 561 provides for abandonment of actions and states, in pertinent part: "[t]his provision shall be operative without formal order, but, on ex parte motion of any party or other interested person by affidavit that states that no step has been timely taken in the prosecution or defense of the action, the trial court shall enter a formal order of dismissal as of the date of its abandonment."

La. C.C.P. art. 561(A)(2).

As noted above, however, Mr. Dorsey failed to submit an affidavit in support of his motion as required by La. C.C.P. art. 561(A)(2) and did not subsequently file one. Additionally, neither party offered any evidence or called any witnesses to testify at the hearing before the district court. Finally, the district judge made no factual findings. Thus, there is nothing for this court to review.

Accordingly, we grant the writ application for the limited purpose of remanding to the district court with instructions to conduct an evidentiary hearing on relator's Objection to Domestic Commissioner's order and Motion to Set Aside Dismissal. The April 27, 2026 judgment of the district court denying relator's objection to Domestic Commissioner's order is vacated.

Gretna, Louisiana, this 10th day of June, 2026.

**SUS**  
**FHW**  
**JJM**

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



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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 **06/10/2026** 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-240**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable E. Adrian Adams (DISTRICT JUDGE)  
Mitchell J. Hoffman (Respondent)

Mark J. Mansfield (Relator)

**MAILED**

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