

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

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No. 26-C-226

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SEQUEASIA TURNER, ET AL

*versus*

ALLSTATE INSURANCE COMPANY, ET AL

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IN RE SEQUEASIA TURNER  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
NANCY A. MILLER, DIVISION "I", No. 852-432

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TRUE COPY

May 26, 2026



LINDA TRAN  
DEPUTY CLERK

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

**WRIT GRANTED**

In this writ application, the relator/plaintiff, Sequeasia Turner, seeks review of the trial court's denial of her Motion for Leave to File First Amending Petition for Damages. We grant the writ for the following reasons.

**PROCEDURAL HISTORY**

The application shows that Ms. Turner filed a petition at the 24th Judicial District Court on March 15, 2024, claiming injuries that allegedly resulted from a vehicle collision with defendant, Gregory Robinson, on December 23, 2023. The respondent, Home State County Mutual Insurance Company ("Home State"), was named as a defendant in its capacity as Ms. Turner's uninsured motorist provider under policy number 2017743248.

On January 27, 2026, all parties agreed to a trial date of November 30, 2026. Prior to the trial date being set, on January 21, 2026, Ms. Turner filed a First Amending Petition that alleged bad faith claims against Home State under La. R.S. 22:1892. The trial court held a contradictory hearing on Ms. Turner's motion on April 15, 2026, and took the matter under advisement. The trial court denied the motion on April 20, 2026.

## **ISSUE RAISED**

Ms. Turner argues in her application that the trial court abused its discretion in denying the motion.

## **LAW AND ANALYSIS**

La. C.C.P. art. 1151 provides:

A plaintiff may amend his petition without leave of court at any time before the answer thereto is served. He may be ordered to amend his petition under Articles 932 through 934. A defendant may amend his answer once without leave of court at any time within ten days after it has been served. Otherwise, the petition and answer may be amended only by leave of court or by written consent of the adverse party.

The decision to grant leave to amend or supplement a pleading is within the sound discretion of the trial court, and its ruling will not be disturbed on appeal, except where an abuse of discretion has occurred and indicates a possibility of resulting injustice. *Parker v. State Through Dep't of Transp. & Dev.*, 23-588 (La. App. 5 Cir. 3/13/24), 385 So.3d 354, 357.

A trial court should liberally allow the amendment of pleadings, providing the movant is acting in good faith, the amendment is not sought as a delaying tactic, the opponent will not be unduly prejudiced, and trial of the issues will not be unduly delayed. *Beard v. Circle K, Inc.*, 554 So.2d 825 (La. App. 1 Cir. 1989).

The application before us does not contain reasons for judgment or a transcript of the hearing on Ms. Turner's motion. Accordingly, our review is limited. Nevertheless, on the record provided we are still able to consider the factors set forth in *Beard*, 554 So.2d at 825, and similar cases.

### *Good faith*

"Good faith" in the context of a motion for leave to amend is a reasonable belief that the facts alleged in the proposed amendment are true. *Lewis v. Progressive Cas. Ins. Co.*, 25-203 (La. App. 5 Cir. 6/18/25), 418 So.3d 416, 419, (citations omitted). If it is a fact that Home State did not tender payment under the policy after receiving satisfactory proof of a loss, whether its action was justified or not, then Ms. Turner has a basis for reasonably believing this cause of action is true and accurate for the purpose of including it in her amended petition.

### *A delaying tactic*

The proposed amended petition alleges that Home State informed Ms. Turner's counsel on or about September 30, 2025, that it would not be presenting an offer for Ms. Turner's alleged injuries. At that time, trial had been set for December 8, 2025. On November 18, 2025, the parties mutually agreed to continue the trial and all deadlines. As noted above, Ms. Turner attempted to file her amended petition on January 21, 2026. On January 27, 2026, all parties agreed to a trial date of November 30, 2026. Meanwhile, four months passed before the trial court denied Ms. Turner's motion to amend.

The facts underlying the issue of Home State's alleged bad faith did not occur until after Ms. Turner filed the original petition. Ms. Turner filed her motion to amend the petition almost one week before the parties mutually agreed to the next trial date, which was set ten months later in November. To the extent that the timing of the trial court's judgment shortened the window for discovery on the new issues raised, we cannot say the delay was within Ms. Turner's control. Regardless, according to the court's January 27, 2026 Pre-trial and Scheduling Order, the discovery deadline has not yet passed, and the trial court could extend it at the discretion of the trial court on the motion of any party.<sup>1</sup>

### *Undue prejudice*

Home State has not provided an explanation of how it would be unduly prejudiced by the amendment of the petition to include a cause of action for bad faith other than alleging that Ms. Turner has "conducted no discovery on its new cause of action." In *Cemo v. State Farm Mut. Auto. Ins. Co.*, 21-731 (La. App. 5 Cir. 2/18/22) (unpublished writ disposition), we considered a similar issue. Upon finding that the insurer would not be prejudiced by the addition of the plaintiff's additional claim of bad faith, we reasoned:

Last, State Farm will not be unduly prejudiced if Relator is granted leave to file Plaintiff's First Supplemental and Amending Petition when the original petition sought damages for injuries sustained as a result of an auto accident. State Farm was already on notice that causation of Relator's injuries and possible damages awards for past and future medical expenses, pain and suffering, etc., are at issue. The expert testimony and documents that State Farm has and will submit into evidence to challenge causation of certain injuries and potentially defend itself against bad faith claims is the same.

La. R.S. 22:1892 provides, in summary, that the elements of a bad faith claim are failure of an insurer to pay an insured within 30 days of receipt of satisfactory proof of loss, when "such failure is found to be arbitrary, capricious, or without probable cause." In this case, as in *Cemo*, Home State already had notice from the original petition that the causation of Ms. Turner's alleged injuries from an auto accident is at issue. Evidence used in Home State's challenge to the causation of Ms. Turner's alleged injuries would be substantially the same as the evidence used to defend itself against the allegation that its failure to pay her claim was arbitrary, capricious, or without probable cause.

### *Trial of the issues will not be unduly delayed*

In *Parker v. State Through Dep't of Transportation & Dev.*, 385 So.3d at 358-59, we discussed the concept of undue delay of trial. In that case, we opined that allowing a defendant to amend an answer would require additional discovery, after the plaintiff had already expended a substantial amount of time and money on discovery over the previous five years of litigation. We concluded that, if the amendment was allowed, then trial would necessarily need to be continued. For

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<sup>1</sup> The trial court has the discretion to extend discovery deadlines and should do so in cases where it is necessary to prevent manifest injustice. *McDuffie v. ACandS, Inc.*, 2000-2779 (La. App. 4 Cir. 2/14/01), 781 So.2d 628, 631.

those reasons, we found that the trial court did not err in denying the defendant's motion to amend its answer.

In contrast to *Parker*, the instant case has been pending for a little over two years. The original motion to set trial date was filed by Home State, and the continuance of the trial date was made by joint motion of the parties. It is not apparent from the application how extensive discovery has been to this point; however, as noted above, Home State may rely on the same evidence in opposing Ms. Turner's new claim. Given that the discovery deadline has not yet passed, and that Home State has not shown specifically why maintaining the current discovery deadlines is not feasible, we do not conclude that moving the current trial date is inevitable.

## **CONCLUSION**

On the application presented, we find that the facts supporting Ms. Turner's cause of action for bad faith arose after she filed her initial petition and that the proposed amendment to the original petition is being made in good faith. The delay in the trial court's ruling on the motion to amend cannot be attributed to Ms. Turner. Nevertheless, the current deadline for discovery has not passed, and Home State has not demonstrated on the record that it will be unduly prejudiced by conducting additional discovery. Because discovery may be completed under the existing timeline or an extended deadline, if the court allows after receipt of such a motion, we do not see a continuation of the current trial date as a fixed outcome.

Based on the foregoing, and because disallowing the amendment has the possibility of denying Ms. Turner a viable cause of action, we conclude that the trial court erred in denying the motion to amend the original petition. Accordingly, we grant the writ and reverse the trial court's judgment. We remand the matter for further proceedings consistent with this opinion.

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

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

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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FIRST DEPUTY CLERK

MELISSA C. LEDET  
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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 **05/26/2026** 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:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-C-226**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Nancy A. Miller (DISTRICT JUDGE)  
P. M. Donovan (Respondent)

**MAILED**

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