

07/02/04 “See News Release 055 for any concurrences and/or dissents.”

SUPREME COURT OF LOUISIANA

NO. 04-CC-1074

MILLIE WILBORN, ET AL.

V.

VERMILLION PARISH POLICE JURY, ET AL.

PER CURIAM

Granted. La. R.S. 13:5107(D) provides that in suits against the state or a political subdivision, service of citation shall be *requested* within ninety days of the commencement of the action. Nothing in that statute requires that the request be filed with the court. The court of appeal’s reliance on the fax-filing statute, La. R.S. 13:850, is misplaced, as that statute deals with the requirements for *filing* papers in civil actions. Accordingly, the judgment of the court of appeal is reversed and the judgment of the trial court is reinstated. The case is remanded to the trial court for further proceedings.