11/17/04 "See News Release 086 for any concurrences and/or dissents."

SUPREME COURT OF LOUISIANA

No. 04-C-2115

DEEP SOUTH TOWING OF NEW ORLEANS

versus

SEDGWICK OF NEW ORLEANS, ET AL

On Writ of Certiorari to the Court of Appeal, Fourth Circuit, Parish of Orleans

PER CURIAM

The ruling of the Fourth Circuit Court of Appeal refusing to consider the exception of peremption as an alternative ground for affirming the judgment of dismissal is reversed. *See Succession of Markham*, 180 La. 211, 156 So. 225 (1934) and *Roger v. Estate of Moulton*, 513 So.2d 1126 (La. 1987). The case is remanded to the Fourth Circuit Court of Appeal to review the trial court's denial of the exception of peremption.