

DIAMOND RAYMOND

NO. 25-C-444

VERSUS

FIFTH CIRCUIT

KERRY T. RAYMOND

COURT OF APPEAL

STATE OF LOUISIANA



October 08, 2025

Linda Tran  
First Deputy Clerk

IN RE DIAMOND RAYMOND

**APPLYING FOR** SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT, PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE VERCELL FIFFIE, DIVISION "A", NUMBER 82,232

Panel composed of Judges John J. Molaison, Jr.,  
Scott U. Schlegel, and Timothy S. Marcel

## WRIT GRANTED

On July 30, 2024, Respondent, Kerry T. Raymond, filed a Petition for Divorce against Relator, Diamond Raymond. But Mr. Raymond did not request service on Ms. Raymond within ninety days as required by La. C.C.P. art. 1201(C).<sup>1</sup> As a result, Ms. Raymond filed a Declinatory Exception of Insufficiency of Service of Process on November 6, 2024.

On July 23, 2025, 358 days after the petition was filed, the trial court considered and sustained Ms. Raymond's exception, finding that the record contained no indication of any waiver of service or any attempted service by the sheriff. Instead of dismissing the case against Ms. Raymond without prejudice though, the trial court granted Mr. Raymond an additional fifteen days to request service, concluding that Mr. Raymond should be given an opportunity to cure the

<sup>1</sup> La. C.C.P. art. 1201(C) provides in part that "[s]ervice of the citation shall be requested on all named defendants within ninety days of commencement of the action."

defect pursuant to La. C.C.P. art. 932. The trial court misapplied article 932 though, which states that “. . . if the court finds, on sustaining the objection that service of citation on the defendant was not requested timely, it may either dismiss the action as to that defendant without prejudice or, *on the additional finding that service could not have been timely requested*, order that service be effected within a specified time.” (Emphasis added).

La. C.C.P. art. 1672(C) further mandates dismissal without prejudice if service is not requested within ninety days after the trial court sustains such a declinatory exception, “unless good cause is shown why service could not be requested . . .”.

Louisiana courts have strictly construed the good cause requirement of La. C.C.P. art. 1672(C). For example, in *Eugene v. Duroncelet*, 19-224 (La. App. 5 Cir. 7/3/19), 275 So.3d 971, 975, *writ denied*, 19-1393 (La. 11/25/19), 283 So.3d 500, this Court found that the plaintiff did not show good cause for failing to serve defendant within ninety days of commencement of the action when a letter requesting service was mailed to the Clerk of Court but was not received. *See also Freeman v. Ochsner Clinic Foundation*, 20-283 (La. App. 5 Cir. 11/10/20), 307 So.3d 335, 338 (“Given that the requirement to request service within ninety days of filing suit is to be strictly construed, the unsupported explanation as to why plaintiff could not request service clearly did not constitute good cause within well-settled strict application of La. C.C.P. art. 1201(C).”)

Mr. Raymond offered no evidence or testimony during the hearing to explain why he could not have requested service within the ninety-day period and failed to show good cause why his failure to request service of Ms. Raymond within ninety days should be excused.

For these reasons, we find that the trial court erred when it gave Mr. Raymond an opportunity to “correct the deficiencies herein and or request service

on defendant, Diamond Raymond.” Thus, we grant the supervisory writ filed by Ms. Raymond and render judgment dismissing the Petition for Divorce filed by Kerry T. Raymond without prejudice.

Gretna, Louisiana, this 8th day of October, 2025.

**SUS**  
**JJM**  
**TSM**

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  
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GRETN, LOUISIANA 70054  
[www.fifthcircuit.org](http://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

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A handwritten signature in blue ink, reading "Curtis B. Pursell", is written over a horizontal line.

**CURTIS B. PURSELL**  
CLERK OF COURT

**25-C-444**

**E-NOTIFIED**

40th District Court (Clerk)  
Honorable Vercell Fiffie (DISTRICT JUDGE)  
Rebecca A. Gilson (Relator)

**MAILED**

Justin P. LaFleur (Relator)  
Attorney at Law  
200 North Cate Street  
Hammond, LA 70404

Charles Ayles (Respondent)  
Attorney at Law  
5713 Superior Drive  
Suite A5  
Baton Rouge, LA 70816

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Attorney at Law  
5713 Superior Drive  
Suite A5  
Baton Rouge, LA 70816  
25-C-444

10-08-25



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Attorney at Law  
200 North Cate Street  
Hammond, LA 70404  
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10-08-25



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