

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

In re Ginger Evelyn Brazzel 2011 Inter Vivos Trust and Brazzel Testament Trust F/B/O Ginger Evelyn Brazzel

No. 56,702-CA · No. 56,702-CA · Decided December 10, 2025

SUMMARY

The Louisiana Second Circuit Court of Appeal affirmed the denial of motions by pro se trust-management committee members to continue trial and amend the pretrial order. The court held that the trial court did not abuse its discretion because the parties had remained unrepresented for four years, the trial had previously been continued, and they failed to comply with pretrial scheduling requirements.

CASE DETAILS

COURT	Louisiana Court of Appeal, Second Circuit
WRITING FOR THE COURT	Thompson, J.; Marcotte, J.; Ellender, J.
JURISDICTION	Louisiana Court of Appeal, Second Circuit
DECIDED	December 10, 2025
DOCKET	56,702-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mark Jonker and Katherine Smith appealed after the First Judicial District Court denied their motions to continue trial and to amend the pretrial order, proceeded with trial, excluded their witnesses and exhibits for failure to participate in the pretrial order, and dismissed their claims with prejudice.
STANDARD OF REVIEW	Abuse of discretion. The appellate court reviews the denial of a continuance and the enforcement or implementation of a pretrial order for a clear abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Mark Jonker, Katherine Smith v. Ginger Evelyn Brazzel, Regions Bank, Succession of Lester Brazzel, Jr., through Lee H. R. Caz Coleman Ayres, Independent Executor

TOPICS

civil procedure

appellate procedure

standard of review

trusts

probate procedure

PRACTICE AREAS

civil procedure

trusts

probate

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Jonker and Smith's motion to continue the rescheduled trial so they could obtain counsel after relying for four years on counsel for their co-plaintiffs.
2. Whether the trial court abused its discretion by denying Jonker and Smith's motion to amend the pretrial order to adopt the witness and exhibit lists of their dismissed co-plaintiffs.

HOLDINGS

1. The trial court did not abuse its discretion by denying Jonker and Smith's motion to continue the trial. Their lack of counsel resulted from their longstanding decision not to retain counsel, the trial had already been continued once, and the eleventh-hour request to obtain counsel did not constitute good ground for another continuance.
2. The trial court did not abuse its discretion by enforcing the pretrial order and refusing to allow Jonker and Smith, on the eve of trial, to adopt the witness and exhibit lists of their dismissed co-plaintiffs.

KEY QUOTATIONS

“The trial court has great discretion in granting or denying a continuance under La. C.C.P. art. 1601, and its ruling should not be disturbed on appeal in the absence of a clear abuse of that discretion.” (5)

“Each case must be decided upon its own facts and circumstances, and the trial judge is vested with much discretion in determining the penalty for violation of pre-trial and discovery orders.” (8)

“There had been two separate occasions during which they could have introduced their own witness and exhibit lists or adopted the exhibit and witness list of the Succession and Gregg; however, on both occasions, Jonker and Smith elected to do nothing.” (9)

FACTUAL BACKGROUND

The litigation concerned the management and expenditure of funds in two trusts established for Ginger Evelyn Brazzel, with Regions Bank serving as trustee. Jonker and Smith joined the litigation as trust management committee members in 2020 but remained unrepresented for approximately four years and did not meaningfully participate in trial preparation or contribute to the pretrial order. After the other plaintiffs were dismissed shortly before the rescheduled trial, Jonker and Smith sought a continuance to obtain counsel and sought to adopt the dismissed plaintiffs' witness and exhibit lists.

PROCEDURAL HISTORY

Gregory Brazzel and the Succession of Lester Brazzel, Jr. filed suit in 2020 seeking to modify two trusts benefiting Ginger Evelyn Brazzel. Jonker, Smith, and Jonathan Winkler were later added as plaintiffs in proper person. After the trial court dismissed Gregg and the Succession for lack of a right of action, Jonker and Smith moved, one day before the rescheduled trial, for a continuance to obtain counsel and to amend the pretrial order to adopt their former co-plaintiffs' witness and exhibit lists. The trial court denied both motions, conducted trial, excluded the proposed witnesses and exhibits, and dismissed Jonker and Smith's claims with prejudice.

DISPOSITION

affirmed

CASES CITED

- Carroll v. Sheikh-Khalil, 55,413 (La. App. 2 Cir. 1/10/24), 378 So. 3d 917
- Broussard v. Broussard, 54,598 (La. App. 2 Cir. 6/29/22), 342 So. 3d 465
- Tarbutton v. Tarbutton, 52,102 (La. App. 2 Cir. 6/27/18), 251 So. 3d 590
- Connor v. Scroggs, 35,521 (La. App. 2 Cir. 6/12/02), 821 So. 2d 542
- Wilkerson v. Darden Direct Dist., Inc., 53,263 (La. App. 2 Cir. 3/4/20), 293 So. 3d 146
- Reed v. Restorative Home Health Care, LLC, 19-01794 (La. 2/26/20), 289 So. 3d 1028
- Allen v. Bridges, 41,169 (La. App. 2 Cir. 11/1/06), 942 So. 2d 686
- Robinson v. Apria Healthcare, Inc., 38,438 (La. App. 2 Cir. 5/27/04), 874 So. 2d 418
- Benware v. Means, 99-1410 (La. 1/19/00), 752 So. 2d 841
- Brooks v. Sewerage & Water Bd. of New Orleans, 02-2246 (La. App. 4 Cir. 4/30/03), 847 So. 2d 639