

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Susan Garno v. Sunstone St. Charles, LLC, et al.

Garno · No. 25-1977 · Decided January 29, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana granted defendants’ motion for a jury trial under Federal Rule of Civil Procedure 39(b), despite the absence of a timely written demand under Rule 38(b). The court found no strong and compelling reason to deny the request and determined that granting it would not cause delay, disruption, or prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Sarah S. Vance
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 29, 2026
DOCKET	25-1977
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 39(b) for a jury trial after failing to make a timely written jury demand under Rule 38(b).
STANDARD OF REVIEW	Discretionary review under Federal Rule of Civil Procedure 39(b), guided by whether strong and compelling reasons exist to deny a jury trial and by the five factors identified by the Fifth Circuit.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- waiver

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

1. Whether the district court should exercise its discretion under Federal Rule of Civil Procedure 39(b) to order a jury trial despite the absence of a timely written demand under Rule 38(b).

HOLDINGS

1. A district court should grant a Rule 39(b) motion for a jury trial absent strong and compelling reasons to deny it, and the court may order a jury trial when the relevant discretionary factors favor granting the motion.

KEY QUOTATIONS

“The Fifth Circuit has made clear that district courts “should grant a jury trial in the absence of strong and compelling reasons to the contrary.”” (at 1)

“Courts should look to the following five factors in considering whether to exercise discretion under Rule 39(b):” (at 1)

FACTUAL BACKGROUND

The parties allegedly agreed during a telephone scheduling conference that the case would be tried to a jury. No party served a written jury demand within the fourteen-day period required by Federal Rule of Civil Procedure 38(b). The court found that allowing a jury trial would not disrupt the schedule, cause delay, or prejudice the opposing party.

PROCEDURAL HISTORY

At a January 27, 2026 telephone scheduling conference, the parties stated that they had agreed to a jury trial. Defendants then moved for a jury trial, and the district court granted the motion despite the absence of a timely written demand.

DISPOSITION

other

CASES CITED

- Daniel International Corp. v. Fischbach & Moore, Inc., 916 F.2d 1061, 1064 (5th Cir. 1990)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA SUSAN GARNO CIVIL ACTION VERSUS NO. 25-1977 SUNSTONE ST. CHARLES, LLC, ET SECTION “R” (3) AL. ORDER AND REASONS Before the Court is defendants’ motion for a jury trial.¹ Defendants assert that the parties agreed to have this matter tried before a jury at the January 27, 2026 telephone scheduling conference.

Federal Rule of Civil Procedure 38(b) requires a party seeking a jury trial on a given issue to serve “the other parties with a written demand— which may be included in a pleading—no later than 14 days after the last pleading directed to the issue is served.” Fed. R. Civ. P. 38(b). This did not occur here. But, under Federal Rule of Civil Procedure 39(b), “the court may, on motion, order a jury on any issue for which a jury might have been demanded.” Fed.

R. Civ. P. 39(b). The Fifth Circuit has made clear that district courts “should grant a jury trial in the absence of strong and compelling reasons to the contrary.” *Daniel Int’l Corp. v. Fischbach & 1 R. Doc. 11. Moore, Inc.*, 916 F.2d 1061, 1064 (5th Cir. 1990). Courts should look to the following five factors in considering whether to exercise discretion under Rule 39(b): (1) whether the case involves issues which are best tried by a jury; (2) whether granting the motion would result in a disruption of the court’s schedule or that of an adverse party; (3) the degree of prejudice to the adverse party; (4) the length of the delay in having requested a jury trial; and (5) the reason for the movant’s tardiness in requesting a jury trial.

Id. The Court finds the facts lean in favor of granting a jury trial. There are no strong and compelling reasons to deny this request. Allowing a jury trial will not disrupt the court’s schedule, nor result in any delay. And, as the parties state that they agreed to a jury trial, there is no prejudice to the adverse party.

Accordingly, defendants’ request for a jury trial is GRANTED. New Orleans, Louisiana, this 29th day of January, 2026. hernk Vevee_ SARAH S. VANCE UNITED STATES DISTRICT JUDGE