

**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

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