

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

Jordan Lipner-Riza v. Timothy Aaron Causey

2024-CA-0612 · No. 2024-CA-0612 · Decided December 1, 2025

SUMMARY

The Louisiana Fourth Circuit Court of Appeal dismissed Timothy Aaron Causey’s appeal from a judgment granting Jordan Lipner-Riza’s motion to relocate their minor child and awarding her physical custody. The court held that the appeal was untimely because the filing of a supervisory writ application did not interrupt the applicable appeal delays. The court therefore dismissed the appeal for lack of jurisdiction.

CASE DETAILS

COURT	Louisiana Court of Appeal, Fourth Circuit
WRITING FOR THE COURT	Karen K. Herman; Daniel L. Dysart; Sandra Cabrina Jenkins
JURISDICTION	Louisiana Court of Appeal, Fourth Circuit
DECIDED	December 1, 2025
DOCKET	2024-CA-0612
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Timothy Aaron Causey appealed a judgment granting plaintiff Jordan Lipner-Riza's motion to relocate the principal residence of their minor child. The court dismissed the appeal for lack of appellate jurisdiction because the appeal was untimely.
STANDARD OF REVIEW	Appellate courts have a duty to determine sua sponte whether appellate jurisdiction exists. The timeliness of an appeal is a jurisdictional issue.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Timothy Aaron Causey v. Jordan Lipner-Riza

TOPICS

- appellate jurisdiction
- appellate procedure
- family law procedure
- child custody
- relocation

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the Fourth Circuit had appellate jurisdiction over Causey's appeal from the judgment granting the motion to relocate the minor child's principal residence.
2. Whether the filing and consideration of Causey's supervisory-writ application interrupted or extended the statutory period for filing an appeal.

HOLDINGS

1. An appeal from a judgment modifying custody and visitation must be taken within thirty days from the date of mailing notice of the denial of a timely motion for new trial. Because notice was mailed on February 1, 2024, the last day to appeal was March 4, 2024, and Causey did not file his appeal until April 18, 2024, the appeal was untimely.
2. The filing of a supervisory-writ application does not interrupt or extend the appeal delay absent an applicable stay; therefore, Causey's writ application did not preserve or extend the time for filing his appeal.

KEY QUOTATIONS

“Before considering the merits of any appeal, an appellate court has ‘the duty to determine sua sponte whether [proper] jurisdiction exists, even when the parties do not raise the issue.’” (p. 1)

“Moreover, it is well-established that an application for supervisory writs has “no effect on the appeal delays.”” (p. 2)

“Because the filing of the writ application did not interrupt the appeal delays, this appeal is untimely.” (p. 2)

FACTUAL BACKGROUND

The parties were unmarried parents of a son born on March 27, 2017. The trial court granted Lipner-Riza's motion to relocate the child's principal residence, awarded her physical custody, and established a visitation and holiday schedule. Causey sought review after the judgment and subsequent denial of his motion for new trial, but filed the appeal more than thirty days after notice of the denial of the timely motion for new trial.

PROCEDURAL HISTORY

The Civil District Court for Orleans Parish granted Lipner-Riza's motion to relocate, awarded her physical custody, and established visitation and telephone-contact provisions on November 9, 2023. Causey's motion for new trial was initially denied as untimely, but the appellate court later granted a supervisory writ determining that the motion had been timely while denying relief on the merits. Causey then filed a motion for appeal on April 18, 2024; the Fourth Circuit held that the supervisory-writ application did not interrupt the appeal period and dismissed the appeal as untimely.

DISPOSITION

dismissed

CASES CITED

- Jordan Lipner-Riza v. Timothy Aaron Causey, 2024-C-0087 (La. App. 4 Cir. 3/18/24), unpub.
- Succession of Hickman, 2022-0730 (La. App. 4 Cir. 3/15/23), 359 So. 3d 584
- Lirette v. Adams, 2022-0552 (La. App. 4 Cir. 1/31/23), 382 So. 3d 122
- Gilberti v. Gilberti, 2022-0291 (La. App. 4 Cir. 11/2/22), 351 So. 3d 800
- Gregory Swafford Family Trust v. Graystar Mortg., LLC, 2022-00059 (La. 3/15/22), 333 So. 3d 1238 (per curiam)
- Guillory v. Hartford Ins. Co., 383 So. 2d 144 (La. App. 3d Cir. 1980)

OPINION

JUDGE KAREN K. HERMAN, J.

JORDAN LIPNER-RIZA * NO. 2024-CA-0612 VERSUS * COURT OF APPEAL TIMOTHY AARON CAUSEY * FOURTH CIRCUIT * STATE OF LOUISIANA ***** APPEAL FROM CIVIL DISTRICT COURT, ORLEANS PARISH NO. 2021-10372, DIVISION “G” Honorable Veronica E. Henry ***** Judge Karen K. Herman ***** (Court composed of Judge Daniel L. Dysart, Judge Sandra Cabrina Jenkins, Judge Karen K. Herman) Lee A. Heidingsfelder WINSBERG, HEIDINSFELDER & GAMBLE, LLC 650 Poydras Street Suite 2050 New Orleans, LA 70130 COUNSEL FOR PLAINTIFF/APPELLEE Shaye R. Lirette LAW OFFICE OF SHAYE R. LIRETTE 407 Huey P. Long Ave. Gretna, LA 70053 COUNSEL FOR DEFENDANT/APPELLANT APPEAL DISMISSED DECEMBER 1, 2025 KKH DLD SCJ Defendant, Timothy Aaron Causey (“Causey”), appeals the November 9, 2023 Judgment granting a Motion to Relocate Principal Residence of Minor Child in favor of Plaintiff, Jordan Lipner-Riza (“Lipner-Riza”).

For the reasons set forth below, we dismiss the appeal for lack of jurisdiction. STATEMENT OF FACTS AND PROCEDURAL HISTORY The parties to this action are the unmarried parents of a son (“R.C.”), born on March 27, 2017.

The record demonstrates the following: • November 9, 2023, a signed Judgment was rendered granting Lipner-Riza’s Motion to Relocate and ordering that Lipner-Riza shall have physical custody of the minor child at all times.

The Judgment further set a visitation/holiday schedule and provided for telephone communication with the minor child. Causey’s Opposition to Relocation, Motion for Injunctive Relief, Motion to Modify Consent Judgment, and to Name a Domiciliary Parent was denied as moot. • November 13, 2023, Notice of Judgment was issued. • December 4, 2023, Causey filed a Motion for New Trial. • December 11, 2023, the Motion for New Trial was denied as untimely. • February 1, 2024, Notice of Judgment on the denial of the Motion for New Trial was issued. • Instead of seeking an

appeal, Causey filed a supervisory writ application seeking review of the denial of the Motion for New Trial.

1 • March 18, 2024, this Court granted Causey’s writ application (finding that the Motion for New Trial was timely) but denied relief, finding no abuse of discretion on the part of the trial court in denying the Motion for New Trial. *Jordan Lipner-Riza v Timothy Aaron Causey*, 2024-C-0087, (La. App. 4 Cir. 3/18/24), unpub. • April 18, 2024, Causey filed a Motion for Appeal from the Judgment granting Lipner-Riza’s Motion to Relocate. “Before considering the merits of any appeal, an appellate court has ‘the duty to determine sua sponte whether [proper] jurisdiction exists, even when the parties do not raise the issue.’ ” *Succession of Hickman*, 2022-0730, p. 5 (La.

App. 4 Cir. 3/15/23), 359 So.3d 584, 589 (alteration in original) (quoting *Lirette v. Adams*, 2022-0552, p. 17 (La. App. 4 Cir. 1/31/23), 382 So.3d 122, 133-34). As reiterated by this Court in *Gilberti v. Gilberti*, 2022-0291, pp. 3-4 (La. App. 4 Cir. 11/2/22), 351 So.3d 800, 802-03: [E]xpeditied appeal deadlines exist for certain family law cases.

Under La. C.C.P. art. 3943, “[a]n appeal from a judgment awarding, modifying, or denying custody, visitation, or support of a person can be taken only within the delay provided in Article 3942.” Article 3942 provides the delay for taking an appeal from a judgment granting or refusing an annulment or divorce, which “can be taken only within thirty days from the applicable date provided in Article 2087(A).” La. C.C.P. art. 3942(A).

Read together, these articles provide that an appeal from a judgment awarding child support can be taken only within the following deadlines: (1) where no timely motion for new trial is filed, thirty days from the deadline to file a motion for new trial (seven days, exclusive of legal holidays); or (2) thirty days from the date of mailing the court’s denial of a timely filed motion for new trial.

Moreover, it is well-established that an application for supervisory writs has “no effect on the appeal delays.” *Gregory Swafford Family Trust v. Graystar Mortg., LLC*, 2022-00059 (La. 3/15/22), 333 So.3d 1238 (per curiam) (citing *Guillory v. Hartford Ins. Co.*, 383 So.2d 144, 145 (La. App. 3rd Cir. 1980)). 2 We recognize that pursuant to Uniform Rules - Courts of Appeal, Rule 4- 4(A), “[t]he filing of, or the granting of, a writ application shall not stay further proceedings unless the trial court or the Court of Appeal expressly orders a stay.” However, the record in this case does not show that a stay was requested.

As stated above, pursuant to La. C.C.P. art. 3943, an appeal from a judgment modifying custody and visitation must be taken within thirty days from the date of mailing the court’s denial of a timely filed motion for new trial.

Here, the record reflects that the trial court mailed notice on February 1, 2024. March 4, 2024 was the last day to file a motion for appeal. Causey’s appeal was filed on April 18, 2024. Because the

filing of the writ application did not interrupt the appeal delays, this appeal is untimely.
CONCLUSION It is evident from a review of the record that this appeal is untimely on its face.

Accordingly, we dismiss the appeal for lack of jurisdiction. APPEAL DISMISSED 3

JUDGE KAREN K. HERMAN, J.

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AARON CAUSEY * FOURTH CIRCUIT * STATE OF LOUISIANA ***** APPEAL FROM
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Veronica E. Henry ***** Judge Karen K. Herman ***** (Court composed of Judge Daniel L.
Dysart, Judge Sandra Cabrina Jenkins, Judge Karen K. Herman) Lee A. Heidingsfelder
WINSBERG, HEIDINSFELDER & GAMBLE, LLC 650 Poydras Street Suite 2050 New Orleans,
LA 70130 COUNSEL FOR PLAINTIFF/APPELLEE Shaye R. Lirette LAW OFFICE OF SHAYE
R. LIRETTE 407 Huey P. Long Ave. Gretna, LA 70053 COUNSEL FOR
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