

USCS CAPITAL, LLC	*	NO. 2026-CA-0272
VERSUS	*	
DUONG VIET VU, THE	*	COURT OF APPEAL
UNOPENED SUCCESSION OF		FOURTH CIRCUIT
CUC THI DANG, AND THE	*	
UNOPENED SUCCESSION OF		STATE OF LOUISIANA
MUI THI VU	*****	

APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2024-01521, DIVISION “F-14”
Hon. Jennifer M. Medley

Judge Nakisha Ervin-Knott

(Court composed of Judge Daniel L. Dysart, Judge Paula A. Brown, Judge Nakisha Ervin-Knott)

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REHEARING DENIED
October 19, 2026

Plaintiff-Appellee, USCS Capital, LLC (herein “Plaintiff”), has filed an Application for Rehearing requesting this Court apply Rule 2-12.4¹ of the Uniform Rules of Louisiana Courts of Appeal. In its Appellee Brief, Plaintiff requested this Court dismiss the appeal due to the Defendants-Appellants’ (herein “Defendants”) failure to cite specific page numbers in the record. Plaintiff argues that Rule 2-12.4 is mandatory and requires a dismissal of this case. We disagree that the rule applies here.

First, this Court exercised its discretion and converted Defendants’ appeal to an application for supervisory writ. Therefore, this Court considered this case under its supervisory jurisdiction, not its appellate jurisdiction. As noted by the Louisiana Supreme Court, “A court of appeal has plenary power to exercise supervisory jurisdiction over district courts and may do so at any time, according to the discretion of the court.” *Herlitz Constr. Co. v. Hotel Invs. of New Iberia, Inc.*, 396 So. 2d 878 (La. 1981). Considering the underlying facts of this case, this

¹ Uniform Rule 2-12.4 (B)(3) states, “The court may not consider the argument on an assignment of error or issue for review if suitable reference to the specific page numbers of the record is not made.”

Court chose to exercise its supervisory jurisdiction to correct a fundamental legal error.

Further, Uniform Rule 2-12.4(B)(3) requires that a “suitable reference” to the record be made. Writ applications often do not contain a full record for applicants to cite. Even so, Defendants attached and cited to exhibits in their brief, and these exhibits corresponded with documents found in the record.² Despite its assertions otherwise, we find that Plaintiff was not prejudiced in preparing its response. The record in this case is straightforward and brief³, and all documents referenced by the Defendants were easily found by this Court.

As stated in our opinion, this is a case wherein the district court’s ruling was clearly erroneous in that it held a contradictory hearing and ruled against the Defendants when service of the hearing was never effectuated. Plaintiff counsel’s request that we dismiss this case on a technicality is unpersuasive considering the palpable error committed and the violation of the litigants’ rights. Finally, as is well-settled in our jurisprudence, “[A]ppeals are favored in law and any doubt shall be resolved in favor of maintaining, rather than dismissing an appeal.” *E.g. Taylor v. Joseph*, 2024-0461, p. 6 (La. App. 4 Cir. 1/30/25), 408 So. 3d 269, 273. Given the unique facts of this case, we maintained jurisdiction. Accordingly, Plaintiff’s Application for Rehearing is denied.

REHEARING DENIED

² Plaintiff argued in its Appellee brief that Defendants exhibits should not have been considered due to the lack of a verifying affidavit and the fact that some of the exhibits did not appear in the record. Any exhibits that did not appear in the certified record were not considered by this Court in reaching its opinion.

³ In its entirety, the record totals 147 pages.