

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2008 CA 1340

**JAMIE MICHELE PINEGAR, INDIVIDUALLY AND ON BEHALF
OF HER MINOR DAUGHTER BROOKLYN GRACE PINEGAR**

VERSUS

BRADLEY HARRIS AND MICHAEL CASCIO

Judgment Rendered: June 12, 2009

**Appealed from the
19th Judicial District Court
In and for the Parish of East Baton Rouge, Louisiana
Case No. 553,007**

The Honorable R. Michael Caldwell, Judge Presiding

**John M. Robin
Covington, Louisiana**

**Counsel for Plaintiff/Appellant
Jamie Michele Pinegar**

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**Counsel for Defendants/Appellees
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**Randi S. Ellis
Baton Rouge, Louisiana**

**Counsel for Defendant/Appellee
Bradley Harris**

BEFORE: KUHN, GUIDRY, AND GAIDRY, JJ.

GAIDRY, J.

SUMMARY DISPOSITION

The mother of a minor child injured in an accident appeals a judgment sustaining a dilatory exception of prematurity by the child's father, who had physical custody of the child at the time of the injury. In a related appeal of the same judgment by the mother, *Pinegar v. Harris*, 08-1112 (La. App. 1st Cir. __/__/09), ___ So.3d ___, we reversed the judgment sustaining the exception, and remanded this matter for further proceedings. Accordingly, we dismiss this appeal as moot in accordance with Rule 2-16.2(A)(3) of the Uniform Rules of Louisiana Courts of Appeal.

The costs of this appeal are assessed to the defendant, Bradley Harris.

APPEAL DISMISSED AS MOOT.