

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

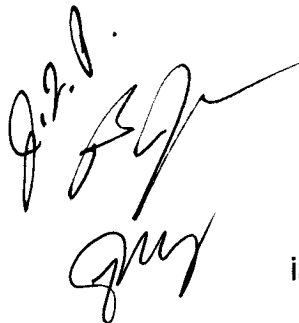
NO. 2009 CA 0970

VIOLA SIMMONS AND JOSEPH W. SIMMONS, INDIVIDUALLY
AND ON BEHALF OF THEIR MINOR SON, TRAVIS SIMMONS

VERSUS

USAGENCIES CASUALTY INSURANCE COMPANY, SEAN M. MYRICK,
MARK A. BUECHE, AUTO ROUGE AUTOPLEX AND ABC
INSURANCE COMPANY

Judgment rendered February 12, 2010.



Appealed from the
21st Judicial District Court
in and for the Parish of Livingston, Louisiana
Trial Court No. 115,586
Honorable Bruce C. Bennett, Judge

LOCKE MEREDITH
SEAN D. FAGAN
JEFFERY R. NICHOLSON
BATON ROUGE, LA

ATTORNEYS FOR
PLAINTIFFS-APPELLEES
VIOLA AND JOSEPH W.
SIMMONS, INDIVIDUALLY AND
ON BEHALF OF THEIR MINOR
SON, TRAVIS SIMMONS

WILLIAM C. HELM
JOHN C. JACOBS
SCOTT R. SONNIER
BATON ROUGE, LA

ATTORNEYS FOR
DEFENDANTS-APPELLANTS
GEMINI INSURANCE COMPANY,
AUTO ROUGE AUTOPLEX, AND
MARK A. BUECHE

BEFORE: CARTER, C.J., GUIDRY, AND PETTIGREW, JJ.

PETTIGREW, J.

Following a trial on the merits, appellants, Mark A. Bueche, Auto Rouge Autoplex, and Gemini Insurance Company, suspensively appealed a January 15, 2009 judgment rendered against them, jointly and in solido, in favor of Viola Simmons in the amount of \$30,519.60 together with legal interest thereon from date of judicial demand and all costs of the proceeding.

This matter was fixed on the court's docket for oral argument on January 6, 2010 at 9:30 A.M. As may be seen by the January 6, 2010 letters from counsel for both appellants and appellees, which letters are attached hereto and made a part hereof by reference as Exhibit A and B respectively, the parties resolved this matter the day before it was scheduled for oral argument.

Because the parties have settled this matter, the issues raised by appellants on appeal are moot and are not properly before this court at this time. Courts may not decide cases that are moot, or where no justiciable controversy exists. An issue is moot when it has been deprived of practical significance and has been made abstract or purely academic. **McLain v. Mann**, 2006-1174, p. 3 (La. App. 1 Cir. 5/4/07), 961 So.2d 415, 417. Accordingly, this appeal is dismissed as moot. All costs associated with this appeal are assessed to appellants.

APPEAL DISMISSED.

*EVI 8-11
JACOBSON*

HELM & JACOBS, L.L.C.

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COURT OF APPEAL
FIRST CIRCUIT

Writer's Email:
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William C. Helm*
John C. Jacobs
Scott J. Sonnier

*Also Admitted in Mississippi

January 6, 2010

Via Facsimile
(225) 382-3010

Christine L. Crow, Clerk
Court of Appeal, First Circuit
State of Louisiana
P. O. Box 4408
Baton Rouge, LA 70821-440

COURT OF APPEAL FIRST CIRCUIT
Filed

JAN 07 2010

Christine L. Crow
Clerk

Re: Viola Simmons and Joseph W. Simmons, Individually and O/B/O Their Minor Son,
Travis Simmons vs. USAgencies Casualty Insurance Company, Sean M. Myrick, Mark
A. Bueche, Auto Rouge Autoplex, and ABC Insurance Company
21st Judicial District Court, Suit No. 115, 586, Division "B," Livingston
First Circuit Court of Appeal, State of Louisiana, Cause No. 2009-CA-0970
Our File 301-0091

Dear Ms. Crow:

The referenced matter was resolved yesterday afternoon. Please remove this case from the Court's docket. Oral argument is set for 9:30 this morning in Courtroom 1 before Judges Carter, Guidry and Pettigrew. Thank you for your courtesies.

With kind regards, I am

Very truly yours,



William C. Helm

WCH:ega
Enclosures
cc: Mr. Jeff Nicholson

Exhibit A

LOCKE MEREDITH
SEAN FAGAN
& JEFF NICHOLSON



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Baton Rouge, LA 70816
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January 6, 2010

VIA FACSIMILE
AND FIRST CLASS MAIL

Honorable Christine L. Crow
First Circuit Court of Appeal
P.O. Box 4408
Baton Rouge, LA 70821
(225) 382-3010

Attn: Mr. Rod Naquin

RE: Viola Simmons, et al vs. USAgencies Casualty Insurance Co., et al
First Circuit Number: 2009-CA-0970
21st JDC Suit Number: 115,586; Division: B

Dear Mr. Naquin:

This confirms your conversation with my secretary this morning, wherein we advised that the above referenced matter has been resolved. Therefore, we ask that the Oral Arguments set for 9:30 this morning be removed from the Court's docket.

Thank you for your attention to this matter, and if you have any questions, please contact me.

Sincerely,

LOCKE MEREDITH, SEAN FAGAN & JEFF NICHOLSON
A Professional Law Corporation


Jeff Nicholson

JN/dsh

cc: Mr. William Helm via facsimile (225) 767-9976

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JAN 08 2010

**COURT OF APPEAL
FIRST CIRCUIT**

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Filed**

JAN 07 2010

Christine L. Crow
Clerk

Exhibit B