

LEONARD ABADIE, JR.

NO. 13-CA-768

VERSUS

FIFTH CIRCUIT

ASBESTOS CORPORATION LTD, ET AL

COURT OF APPEAL

STATE OF LOUISIANA

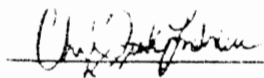
ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, STATE OF LOUISIANA  
NO. 686-964, DIVISION "L"  
HONORABLE DONALD A. ROWAN, JR., JUDGE PRESIDING

FEBRUARY 12, 2014

COURT OF APPEAL  
FIFTH CIRCUIT

FILED FEB 12 2014

**STEPHEN J. WINDHORST**  
JUDGE

  
CLERK  
Cheryl Quirk Landrieu

Panel composed of Judges Marc E. Johnson,  
Stephen J. Windhorst and Hans J. Liljeberg

GARY A. LEE

RICHARD M. PERLES

ANN CATES

STEVEN E. LACOSTE

JOHN M. FUTRELL

ATTORNEYS AT LAW

201 St. Charles Avenue

Suite 4120

New Orleans, Louisiana 70170

COUNSEL FOR THIRD-PARTY PLAINTIFF/APPELLANT

CHARLES H. ABBOTT

CHRISTINE CHANGHO BRUNEAU

ERIN WEDGE LATUSO

ATTORNEYS AT LAW

650 Poydras Street

One Shell Square, Suite 2810

New Orleans, Louisiana 70130

COUNSEL FOR THIRD-PARTY DEFENDANT/APPELLEE

**APPEAL DISMISSED**

Handwritten initials 'SPW' and a signature.

Defendant/third-party plaintiff, Huntington Ingalls Incorporated, f/k/a Northrop Grumman Ship Systems, Inc., f/k/a Avondale Industries, Inc. (“Avondale”) appeals the district court’s judgment granting summary judgment in favor of third-party defendant, Executone Systems of La, Inc. (“Executone”). For the reasons discussed below, this appeal is dismissed.

Plaintiff, Leonard Abadie, Jr., now deceased, filed the underlying suit against multiple defendants, including Avondale, claiming that his exposure to asbestos from various sources resulted in his development of mesothelioma. In response to the suit, Avondale filed a third-party demand against various defendants, including Executone. Avondale’s third-party demand against Executone was based on claims of “take-home” or household asbestos exposure by Mr. Abadie, Jr., from asbestos fibers brought home on Mr. Abadie, Sr.’s clothing during Mr. Abadie, Sr.’s employment with Executone from 1961 to 1970.

Executone filed a motion for summary judgment seeking a dismissal with prejudice of Avondale's third-party demand. On May 6, 2013, the district court rendered judgment in favor of Executone. This appeal followed.

On February 5, 2014, the same day the case was submitted to this Court, the parties filed a Joint Motion to Dismiss contending that they resolved their differences. Pursuant to La. C.C.P. art. 2162, an appeal can be dismissed by consent of all parties. Therefore, we grant the Joint Motion to Dismiss and dismiss this appeal.

**APPEAL DISMISSED**

SUSAN M. CHEARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
ROBERT A. CHAISSON  
ROBERT M. MURPHY  
STEPHEN J. WINDHORST  
HANS J. LILJEBERG

JUDGES



FIFTH CIRCUIT  
101 DERBIGNY STREET (70053)  
POST OFFICE BOX 489  
GRETNA, LOUISIANA 70054  
[www.fifthcircuit.org](http://www.fifthcircuit.org)

CHERYL Q. LANDRIEU  
CLERK OF COURT

MARY E. LEGNON  
CHIEF DEPUTY CLERK

SUSAN BUCHHOLZ  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

(504) 376-1400

(504) 376-1498 FAX

**NOTICE OF JUDGMENT AND  
CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **Uniform Rules - Court of Appeal, Rule 2-20** THIS DAY **FEBRUARY 12, 2014** TO THE TRIAL JUDGE, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CHERYL Q. LANDRIEU  
CLERK OF COURT

**13-CA-768**

**E-NOTIFIED**

NO ATTORNEYS WERE ENOTIFIED

**MAILED**