

ANNE MADELINE SCHAUBHUT

NO. 15-CA-764

VERSUS

FIFTH CIRCUIT

NEWELL NORMAND, INDIVIDUALLY AND
IN HIS CAPACITY AS
SHERIFF OF JEFFERSON PARISH AND
MAYA SEYMOUR

COURT OF APPEAL

STATE OF LOUISIANA


ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 695-668, DIVISION "J"
HONORABLE STEPHEN C. GREFER, JUDGE PRESIDING

COURT OF APPEAL
FIFTH CIRCUIT

FEBRUARY 29, 2016

FILED FEB 29 2016

ROBERT A. CHAISSON
JUDGE


CLERK
Cheryl Quirk Loudriou

Panel composed of Judges Fredericka Homberg Wicker,
Robert A. Chaisson, and Hans J. Liljeberg

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APPEALS DISMISSED

RAC
JHW
KZ

In this tort action, both Anne Madeline Schaubhut and the defendants appeal the judgment rendered in favor of Ms. Schaubhut. Ms. Schaubhut contends that the amount awarded to her for general damages is inadequate and that the trial court erred in failing to award her any amount for future medical expenses; the defendants contend that the trial court erred in awarding Ms. Schaubhut that portion of her past medical expenses that were written-off pursuant to a Medicaid adjustment.

FACTS AND PROCEDURAL HISTORY

On January 1, 2010, Ms. Schaubhut was involved in a motor vehicle accident with an on-duty Jefferson Parish Sheriff's deputy when the deputy's vehicle crossed the center line in a curve and struck Ms. Schaubhut's vehicle head-on. Although Ms. Schaubhut contended at trial that her vehicle never left her lane of travel, the deputy maintained that Ms. Schaubhut's vehicle crossed the center

line and forced the deputy's vehicle into Ms. Schaubhut's lane. Ms. Schaubhut sustained injuries to her left leg, her back, and her neck. After a judge trial, the trial court found the deputy to be solely at fault in causing the accident and rendered a money judgment in favor of Ms. Schaubhut. Both Ms. Schaubhut and defendants thereafter appealed the judgment.

Subsequent to both parties filing appellant, appellee and reply briefs, the parties settled the case shortly before the scheduled oral argument in this matter. Both parties thereafter filed motions to dismiss their appeals, but provided orders which inadvertently indicated the case number as 15-CA-765. Accordingly, we grant the parties' motions to dismiss, vacate the orders previously signed with an incorrect case designation of 15-CA-765, and hereby dismiss both Ms. Schaubhut's appeal and defendants' appeal in case number 15-CA-764.

APPEALS DISMISSED

SUSAN M. CHEARDY
CHIEF JUDGE

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



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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 29, 2016** TO THE TRIAL JUDGE, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CHERYL Q. LANDRIEU
CLERK OF COURT

15-CA-764

E-NOTIFIED

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