

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2010 CA 0190

MAURICE PEARL AND JODIE PEARL

VERSUS

PELICAN POINT OPERATIONS, L.L.C.
D/B/A PELICAN POINT GOLF CLUB
AND ALLSTATE INSURANCE COMPANY

JMM
H. P. by JMM
JEK by JMM

Judgment Rendered: June 11, 2010

APPEALED FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF ASCENSION
STATE OF LOUISIANA
DOCKET NUMBER 76693, DIVISION B

THE HONORABLE THOMAS J. KLIEBERT, JR., JUDGE

Maurice Pearl
Henderson, Nevada

Plaintiff/Appellant
In Proper Person

David C. Forrester
Mark G. Murphey
Baton Rouge, Louisiana

Attorneys for Defendants/Appellees
Pelican Point Operations, L.L.C.,
D/B/A Pelican Point Golf Club
and Allstate Insurance Company

BEFORE: PARRO, KUHN, AND McDONALD, JJ.

McDONALD, J.

In this case, Maurice Pearl asserted that he was playing golf at the Pelican Point Golf Club when he drove the golf cart into a sunken area and was injured. Mr. Pearl and his wife, Jodie Pearl, filed a suit for damages against Pelican Point Operations, L.L.C., D/B/A Pelican Point Golf Club, and its insurer, Allstate Insurance Company. Thereafter, the matter was set for trial.

Mr. Pearl was given notice to appear on the day of trial for a pre-trial conference at 8:45 a.m., with the trial to start at 9:00 a.m. Mr. Pearl was late for the conference and trial, and around 9:30 a.m. the district court judge dismissed the jury. Thereafter, Mr. Pearl arrived, and the case proceeded with a bench trial. After Mr. Pearl presented his case, the defendants moved for an involuntary dismissal, which was granted by the district court judge, dismissing the case. Mr. Pearl is appealing that judgment.¹

After a thorough review of the record, we find no error and affirm the district court judgment. This opinion is rendered in accordance with the Uniform Rules of Louisiana Courts of Appeal, Rule 2-16.2.A(6), (7), and (8). Costs are assessed against Mr. Pearl.

AFFIRMED.

¹ Jodie Pearl is not a party to the appeal because, although she is listed on the petition and on the filing for appeal, the appeal was filed by Mr. Pearl in proper person; thus he cannot represent Jodie Pearl. Further, Jodie Pearl has not filed a brief on appeal.