

**SCOTT WILLIAM ASTON
AND RODD EDWARD KURZ**

VERSUS

**REGIONAL TRANSIT
AUTHORITY (RTA)**

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NO. 2001-CA-0211

COURT OF APPEAL

FOURTH CIRCUIT

STATE OF LOUISIANA

APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 93-793, DIVISION "C-6"
Honorable Roland L. Belsome, Judge

JOAN BERNARD ARMSTRONG

JUDGE

(Court composed of Judge Joan Bernard Armstrong, Judge Miriam G.
Waltzer, and Judge David S. Gorbaty)

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DISMISSED WITHOUT PREJUDICE.

The plaintiffs, Scott Aston and Rodd Kurz, in their original petition, named as defendant RTA. With its Answer, RTA included a Reconventional Demand against Mr. Aston and a Third Party Demand against Bruce Padgett, Automatic Sprinkler Corporation, Figgie Leasing Corporation and National Union Fire Insurance Company. Those four third party defendants answered. The plaintiffs, in their Supplemental and Amending Petition, named as additional defendants Mr. Padgett, Automatic Sprinkler, National Union and Bobbie Wayne James. Except for Mr. James, those additional defendants answered. The April 10, 2000 judgment appealed from by RTA adjudicates only the claims of Mr. Aston and Mr. Kurz against RTA. It does not adjudicate their claims against Mr. Padgett, Automatic Sprinkler, National Union and Bobbie Wayne James. It does not adjudicate RTA's Reconventional Demand against Mr. Ashton and it does not adjudicate RTA's Third Party Demand against Mr. Padgett, Automatic

Sprinkler, Figgie leasing and National Union. There is no other judgment in the record adjudicating any of the claims other than the claims of Mr. Aston and Mr. Kurz against RTA.

In the absence of a proper designation of finality, a judgment which does not finally decide all claims against all parties is not appealable. La. Code Civ. Proc art. 1915.B; Nurse's Home Care, Inc. v. Mendy, 2000-2320 (La. App. 4 Cir. 01/09/02), 806 So.2d 885; City of New Orleans v. Howenstine, 98-2157 (La. App. 4 Cir. 5/5/99), 737 So.2d 197; Narcise v. JoEllen Smith Hospital, 98-0918, 98-2417 (La. App. 4 Cir. 03/10/99), 729 So.2d 748; Jackson v. America's Favorite Chicken, 98-0605 (La. App. 4 Cir. 2/3/99), 729 So.2d 1060. Therefore, this appeal must be and is dismissed without prejudice.

DISMISSED WITHOUT PREJUDICE.