

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

December 10, 2012

\_\_\_\_\_  
No. 12-30131  
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Lyle W. Cayce  
Clerk

SUPERIOR DIVING COMPANY, INCORPORATED,

Plaintiff

v.

JAY WATTS,

Defendant-Third Party Plaintiff-Counter Claimant-Appellee

v.

NEWTON B. SCHWARTZ, SR.,

Third Party Defendant-Counter Defendant-Appellant

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JAY WATTS,

Plaintiff - Appellee

v.

NEWTON B. SCHWARTZ, SR.,

Defendant - Third Party Plaintiff - Appellant

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Appeals from the United States District Court  
for the Eastern District of Louisiana  
2:05-CV-197, 2:08-CV-5098  
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Before BARKSDALE, DENNIS, and GRAVES, Circuit Judges.

No. 12-30131

PER CURIAM:\*

On joint oral motion presented in open court on December 6, 2012, premised on the parties' having settled this matter, IT IS ORDERED that the appeal is DISMISSED. *See* 5TH CIR. R. 42.1. Costs are taxed against Appellant. *See* FED. R. APP. P. 39(a)(1). IT IS FURTHER ORDERED that all outstanding motions are DENIED as moot.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.