

BLAINE WOLFE

NO. 15-CA-813

VERSUS

FIFTH CIRCUIT

COX COMMUNICATIONS

COURT OF APPEAL

STATE OF LOUISIANA

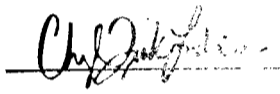
ON APPEAL FROM THE OFFICE OF WORKERS' COMPENSATION,
DISTRICT 7
STATE OF LOUISIANA
NO. 11-10413,
HONORABLE SHANNON BRUNO BISHOP, JUDGE PRESIDING

MAY 26, 2016

COURT OF APPEAL
FIFTH CIRCUIT

FILED MAY 26 2016

STEPHEN J. WINDHORST
JUDGE


Cheryl Quirk, Clerk

Panel composed of Judges Susan M. Chehardy,
Stephen J. Windhorst and Hans J. Liljeberg

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APPEALS DISMISSED

APW
SMC
RJ
Defendant/employer, Cox Communications Louisiana, L.L.C. (“Cox Communications”), appeals the workers’ compensation judgments rendered on November 13, 2014, and on October 12, 2015. Claimant, Blaine Wolfe, appeals the workers’ compensation judgment rendered on October 12, 2015. For the reasons that follow, these appeals are dismissed.

On May 5, 2010, claimant was involved in a work-related multi-vehicle accident and sustained injuries. Defendant paid medical and indemnity benefits to claimant for injuries sustained in the accident. On December 16, 2011, claimant filed a disputed claim for benefits. After a trial on the merits, the workers’ compensation judge (“WCJ”) rendered judgment on November 13, 2014, finding claimant sustained a work-related accident. The WCJ found claimant sustained injuries to his neck, back, left hand/wrist, bilateral knees, left shoulder and cervical spine injuries, joint pain, lower leg pain, headaches, bilateral tinnitus, and has a disability as a result of the accident. Claimant was awarded temporary total

disability benefits, supplemental earnings benefits, all medical expenses, and penalties and attorney's fees.

On April 28, 2015, claimant was granted a new trial on his entitlement to indemnity benefits after August 15, 2012. On October 12, 2015, the WCJ rendered judgment finding claimant failed to meet his burden that he was unable to earn ninety percent or more of his average pre-injury wages and he was not entitled to additional indemnity benefits after August 15, 2012. These appeals followed.

After the case was submitted to this Court, the parties filed a joint motion to dismiss contending that a compromise settlement had been reached. Pursuant to La. C.C.P. art. 2162, an appeal can be dismissed by consent of all parties. Therefore, we grant the joint motion and dismiss these appeals.

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
HANS J. LILJEBERG

JUDGES



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CLERK OF COURT

MARY E. LEGNON
CHIEF DEPUTY CLERK

SUSAN BUCHHOLZ
FIRST DEPUTY CLERK

MELISSA C. LEDET
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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 **MAY 26, 2016** TO THE TRIAL JUDGE, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in cursive script, appearing to read "Cheryl Q. Landrieu".

CHERYL Q. LANDRIEU
CLERK OF COURT

15-CA-813

E-NOTIFIED

CHARLSEY J. WOLFF

MAILED

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