

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

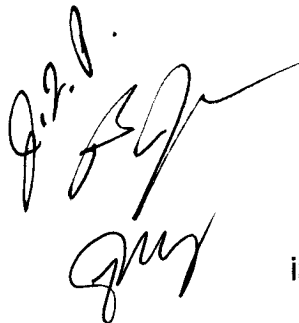
NO. 2009 CA 0970

VIOLA SIMMONS AND JOSEPH W. SIMMONS, INDIVIDUALLY  
AND ON BEHALF OF THEIR MINOR SON, TRAVIS SIMMONS

VERSUS

USAGENCIES CASUALTY INSURANCE COMPANY, SEAN M. MYRICK,  
MARK A. BUECHE, AUTO ROUGE AUTOPLEX AND ABC  
INSURANCE COMPANY

Judgment rendered February 12, 2010.



\*\*\*\*\*

Appealed from the  
21st Judicial District Court  
in and for the Parish of Livingston, Louisiana  
Trial Court No. 115,586  
Honorable Bruce C. Bennett, Judge

\*\*\*\*\*

LOCKE MEREDITH  
SEAN D. FAGAN  
JEFFERY R. NICHOLSON  
BATON ROUGE, LA

ATTORNEYS FOR  
PLAINTIFFS-APPELLEES  
VIOLA AND JOSEPH W.  
SIMMONS, INDIVIDUALLY AND  
ON BEHALF OF THEIR MINOR  
SON, TRAVIS SIMMONS

WILLIAM C. HELM  
JOHN C. JACOBS  
SCOTT R. SONNIER  
BATON ROUGE, LA

ATTORNEYS FOR  
DEFENDANTS-APPELLANTS  
GEMINI INSURANCE COMPANY,  
AUTO ROUGE AUTOPLEX, AND  
MARK A. BUECHE

\*\*\*\*\*

**BEFORE: CARTER, C.J., GUIDRY, AND PETTIGREW, JJ.**

**PETTIGREW, J.**

Following a trial on the merits, appellants, Mark A. Bueche, Auto Rouge Autoplex, and Gemini Insurance Company, suspensively appealed a January 15, 2009 judgment rendered against them, jointly and in solido, in favor of Viola Simmons in the amount of \$30,519.60 together with legal interest thereon from date of judicial demand and all costs of the proceeding.

This matter was fixed on the court's docket for oral argument on January 6, 2010 at 9:30 A.M. As may be seen by the January 6, 2010 letters from counsel for both appellants and appellees, which letters are attached hereto and made a part hereof by reference as Exhibit A and B respectively, the parties resolved this matter the day before it was scheduled for oral argument.

Because the parties have settled this matter, the issues raised by appellants on appeal are moot and are not properly before this court at this time. Courts may not decide cases that are moot, or where no justiciable controversy exists. An issue is moot when it has been deprived of practical significance and has been made abstract or purely academic. **McLain v. Mann**, 2006-1174, p. 3 (La. App. 1 Cir. 5/4/07), 961 So.2d 415, 417. Accordingly, this appeal is dismissed as moot. All costs associated with this appeal are assessed to appellants.

**APPEAL DISMISSED.**

*EVI 8-11  
JACOBSON*

**HELM & JACOBS, L.L.C.**

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JAN 08 2010

COURT OF APPEAL  
FIRST CIRCUIT

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William C. Helm\*  
John C. Jacobs  
Scott J. Sonnier

\*Also Admitted in Mississippi

January 6, 2010

Via Facsimile  
(225) 382-3010

Christine L. Crow, Clerk  
Court of Appeal, First Circuit  
State of Louisiana  
P. O. Box 4408  
Baton Rouge, LA 70821-440

COURT OF APPEAL FIRST CIRCUIT  
Filed

JAN 07 2010

*Christine L. Crow*  
Clerk

Re: Viola Simmons and Joseph W. Simmons, Individually and O/B/O Their Minor Son,  
Travis Simmons vs. USAgencies Casualty Insurance Company, Sean M. Myrick, Mark  
A. Bueche, Auto Rouge Autoplex, and ABC Insurance Company  
21<sup>st</sup> Judicial District Court, Suit No. 115, 586, Division "B," Livingston  
**First Circuit Court of Appeal, State of Louisiana, Cause No. 2009-CA-0970**  
Our File 301-0091

Dear Ms. Crow:

The referenced matter was resolved yesterday afternoon. Please remove this case from the Court's docket. Oral argument is set for 9:30 this morning in Courtroom 1 before Judges Carter, Guidry and Pettigrew. Thank you for your courtesies.

With kind regards, I am

Very truly yours,



William C. Helm

WCH:ega  
Enclosures  
cc: Mr. Jeff Nicholson

Exhibit A

5:10  
80 panel

LOCKE MEREDITH  
SEAN FAGAN  
& JEFF NICHOLSON



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January 6, 2010

VIA FACSIMILE  
AND FIRST CLASS MAIL

Honorable Christine L. Crow  
First Circuit Court of Appeal  
P.O. Box 4408  
Baton Rouge, LA 70821  
(225) 382-3010

Attn: Mr. Rod Naquin

**RE:** Viola Simmons, et al vs. USAgencies Casualty Insurance Co., et al  
First Circuit Number: 2009-CA-0970  
21<sup>st</sup> JDC Suit Number: 115,586; Division: B

Dear Mr. Naquin:

This confirms your conversation with my secretary this morning, wherein we advised that the above referenced matter has been resolved. Therefore, we ask that the Oral Arguments set for 9:30 this morning be removed from the Court's docket.

Thank you for your attention to this matter, and if you have any questions, please contact me.

Sincerely,

**LOCKE MEREDITH, SEAN FAGAN & JEFF NICHOLSON**  
A Professional Law Corporation

  
Jeff Nicholson

JN/dsh

cc: Mr. William Helm via facsimile (225) 767-9976

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Clerk

Exhibit B