

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

HERBERT M. GRAVES

NO. 2013 CW 1217

VERSUS

LINDEN BABIN, MOCKLER
BEVERAGE COMPANY AND XL
SPECIALTY INSURANCE COMPANY

OCT 28 2013

In Re: Peyton P. Murphy, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 601,451.

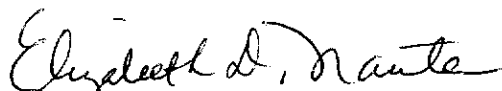
BEFORE: PARRO, GUIDRY AND DRAKE, JJ.

WRIT DENIED. As a result of the May 15, 2013 signing of the order of appeal, the trial court was divested of jurisdiction over all matters in the case reviewable under the appeal of the May 6, 2013 judgment. The trial court has jurisdiction only over those matters not reviewable under the appeal, including those set forth in La. Code Civ. P. art. 2088(A).

EGD
RHP

Guidry, J., dissents in part and concurs in part. I would grant the writ and vacate that portion of the trial court's July 1, 2013 judgment ordering XL Specialty Insurance Company to deposit the aggregate attorney fees of \$200,000 into the Registry of the Court for the 19th Judicial District Court. The trial court was divested of jurisdiction to rule on this issue by the May 15, 2013 signing of the order granting a suspensive appeal. La. Code Civ. P. art. 2088(A). In all other respects, I concur in the denial of the writ.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT