

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

BRYAN GIBBS, BRANDON GIBBS,  
AND TRENEKA YOUNG

NO. 2013 CW 2125

VERSUS

THE HANOVER INSURANCE  
COMPANY, JIM CAREY  
DISTRIBUTING COMPANY, AND  
JODY WALKER

FEBRUARY 20, 2014

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In Re: Jim Carey Distributing Company and the Hanover Insurance Company, applying for supervisory writs, 21st Judicial District Court, Parish of Tangipahoa, No. 2011-0004151.


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**BEFORE: PARRO, GUIDRY, AND DRAKE, JJ.**

**WRIT GRANTED.** The trial court did not designate the April 3, 2013, judgment on the issues of liability and vicarious liability as final and thus, the decision was subject to revision any time prior to rendition of judgment on the remaining issue of damages. La. C.C.P. art. 1915(A)(3) and (B). Accordingly, the trial court erred in finding the judgment was final and in denying defendants' motion seeking its reversal without considering the claims set forth in the motion. Therefore, the writ is granted and we hereby reverse that portion of the December 12, 2013 judgment that denied defendants' "Motion to Reverse Interlocutory Judgment on Plaintiffs' Motion for Summary Judgment." Otherwise, we vacate those portions of the judgment that denied defendants' motion for leave to file second amended answer and granted in part plaintiffs' motion in limine to exclude evidence of other claims. The case is remanded for a decision on the merits of defendants' Motion to Reverse Interlocutory Judgment on Plaintiffs' Motion for Summary Judgment, after which the trial court is instructed to consider the other motions.

JMG  
EGD  
RHP

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT