

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT


2014 CA 0644

ROBERT M. BOYCE, JR. AND  
LAUREN G. BOYCE

VERSUS

MARIE TYLER

**DATE OF JUDGMENT: MAY 20 2015**



ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT  
NUMBER C602444, SECTION 22, PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

HONORABLE TIMOTHY E. KELLEY, JUDGE

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BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.

**Disposition: APPEAL DISMISSED.**

CHUTZ, J.

Plaintiff-in-intervention-appellant, Michael Tyler, appealed the trial court's judgment, which granted summary judgment in favor of defendant-in-intervention-appellee, Commonwealth Land Title Insurance Company (Commonwealth),<sup>1</sup> based on a finding that Tyler's usufruct of immovable property located at 18420 Grand Cypress Creek, Baton Rouge, Louisiana (the property), terminated as a result of the sale of that property on November 28, 2006, in this lawsuit for breach of warranty of title. In his appeal, Tyler urged outstanding issues of material fact precluded summary judgment in favor of Commonwealth. He also challenged the propriety of the trial court's denial of his cross-motion for summary judgment.<sup>2</sup>

The matter was fixed for oral argument on the court's docket for April 27, 2015, at 9:30 a.m. As may be seen by the Joint Motion to Dismiss with Prejudice, filed on April 22, 2015, and made part of this opinion by reference, the parties have compromised all disputes between them.

Because the parties have settled this matter, the issues raised by appellant 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 (La. App. 1st Cir. 5/4/07), 961 So.2d 415, 417. Accordingly, this appeal is dismissed as moot. In accordance with their agreement, each party will bear their own costs associated with this appeal.

#### **APPEAL DISMISSED.**

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<sup>1</sup> By the trial court's order on January 11, 2012, Commonwealth Land Title Insurance Company was substituted as plaintiff in this litigation.

<sup>2</sup> Tyler averred entitlement to (1) an acknowledgement of his rights as a usufructary with a legal usufruct burdening the property; (2) eviction of Commonwealth; (3) corporeal possession of the property; (4) reimbursement for any civil or natural fruits; and (5) an accounting along with legal interest, attorney's fees, and all costs of the proceeding.