

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2014 CA 1679

ROBERT GROS

VERSUS

STMG LAPEYRE, LLC D/B/A ST. MARY GALVANIZING
COMPANY, LLC

Judgment Rendered: MAY 06 2015

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On Appeal from the
32nd Judicial District Court
In and for the Parish of Terrebonne
State of Louisiana
Trial Court No. 167,970

Honorable Timothy C. Ellender, Judge Presiding

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BEFORE: WHIPPLE, C.J., McCLENDON, AND HIGGINBOTHAM, JJ.

HIGGINBOTHAM, J.

Robert Gros appeals an amended judgment sustaining a peremptory exception based on prescription and the dismissal of his lawsuit against STMG Lapeyre, L.L.C., d/b/a St. Mary Galvanizing Company, L.L.C. (“STMG”). Gros contends that the amended judgment is procedurally defective in that it was rendered by the trial court after it had been divested of jurisdiction. Gros requests a remand of this case to the Thirty-Second Judicial District Court, or in the alternative, he insists that a reversal on the merits is necessary.

In a separate appeal rendered this same date, **Gros v. STMG Lapeyre, LLC d/b/a St. Mary Galvanizing Company, LLC**, 2014 CA 0848 (La. App. 1st Cir. 5/6/15)(unpublished), this Court considered and rendered judgment on the merits of the amended judgment complained of in this appeal.¹ Given our resolution of this matter in the separate appeal, any action we would take in this appeal is unnecessary as the issues in this appeal are now moot. It is well settled that courts will not decide abstract, hypothetical or moot controversies, or render advisory opinions with respect to such controversies. **Louisiana State Bd. of Nursing v. Gautreaux**, 2009-1758 (La. App. 1st Cir. 6/11/10), 39 So.3d 806, 811, writ denied, 2010-1957 (La. 11/5/10), 50 So.3d 806. If the case is moot, there is no subject matter on which the judgment of the court can operate. **Id.**

Thus, in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.2(A)(1), (2), and (3), we find the issues raised in this appeal are moot, and we must, therefore, dismiss this appeal for lack of subject matter jurisdiction. Costs of this appeal are assessed to plaintiff-appellant, Robert Gros.

APPEAL DISMISSED.

¹ A joint motion to consolidate was denied by this Court; however, the two appeals were assigned to the same panel and placed on the same docket. **Gros v. STMG Lapeyre, LLC d/b/a St. Mary Galvanizing Company, LLC**, 2014-0848 and 2014-1679 (La. App. 1st Cir. 12/7/14)(unpublished).