

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JOHN COOK AND JASON J. SCOTT

NO. 2015 CW 1637

VERSUS

USAGENCIES, LLC AND
AFFIRMATIVE INSURANCE
HOLDINGS, INC.

JAN 15 2016

In Re: John Cook and Jason J. Scott, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 629886.

BEFORE: GUIDRY, DRAKE AND HOLDRIDGE, JJ.

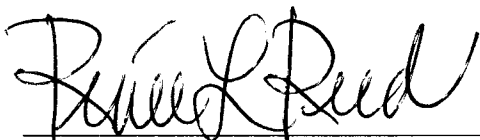
WRIT GRANTED WITH ORDER IN PART AND DENIED IN PART. The district court's September 21, 2015 judgment granting USAgencies, LLC, and Affirmative Insurance Holdings, Inc.'s motion for involuntary dismissal is a final, appealable judgment. See **Prudhomme v. Todd**, 2010-1132 (La. App. 1st Cir. 12/22/10). See also La. C.C.P. art. 2083. Therefore, the application is granted for the limited purpose of remanding the matter to the district court with instructions to grant the relator an appeal pursuant to the October 8, 2015 pleading that notified the district court of the relator's intention to seek writs. See **In re Howard**, 541 So.2d 195 (La. 1989) (per curiam). A copy of this Court's action is to be included in the appellate record. With respect to the district court's September 10, 2015 judgment denying John Cook and Jason J. Scott's motion for new trial, the writ is denied as adequate remedy will be available on appeal. When an unrestricted appeal is taken from a final judgment, the appellant is entitled to seek review of all adverse interlocutory judgments prejudicial to him, in addition to the review of the final judgment. See **Judson v. Davis**, 2004-1699 (La. App. 1st Cir. 6/29/05), 916 So.2d 1106, 1112, writ denied, 2005-1998 (La. 2/10/06), 924 So.2d 167.

EGD

GH

JMG

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT