

NOT DESIGNATED FOR PUBLICATION

DARRYL DEAN * **NO. 2008-CA-0730**
VERSUS *
CITY OF NEW ORLEANS * **COURT OF APPEAL**
(N.O.P.D.) * **FOURTH CIRCUIT**
* **STATE OF LOUISIANA**
* * * * *

APPEAL FROM
THE OFFICE OF WORKERS' COMPENSATION
NO. 07-6814, DISTRICT "EIGHT"
Honorable Gwendolyn F. Thompson, Workers' Compensation Judge
* * * * *

Judge Dennis R. Bagneris, Sr.
* * * * *

(Court composed of Judge Dennis R. Bagneris, Sr., Judge Terri F. Love, and
Judge Roland L. Belsome)

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JANUARY 14, 2009

APPEAL DISMISSED AS MOOT

Darryl Dean appeals the judgment of the district court granting the Appellee's, the City of New Orleans', exception of *res judicata* resulting in the dismissal of Mr. Dean's case. We dismiss the instant appeal as moot.

The facts of this case can be found in *Dean v. City of New Orleans (NOPD, 2005-1347 (La. App. 4th Cir. 7/12/06), 936 So.2d851*. In the instant appeal, Mr. Dean is before this court arguing that the district court erred in granting the City's exception of *res judicata* because he alleges that he was on active deployment causing him to miss pertinent deadlines in the workman's compensation case he filed in 2001 against the City. Mr. Dean failed to respond to the City's discovery and although his case was dismissed with prejudice, he did not appeal and chose to file another claim with the Office of Workers' Compensation revisiting the allegations in his first claim.

Mr. Dean is now before this court on the same issue arising out of the same facts in *Dean v. City of New Orleans (NOPD, 2005-1347 (La. App. 4th Cir. 7/12/06), 936 So.2d851*, whereby this Court affirmed the judgment of the district court granting the City's exception of *res judicata*. We find that this Court has

previously ruled on the issues it finds that Mr. Dean attempts to allege rendering this appeal moot.

Further Mr. Dean fails to comply with Rule 2-12, Uniform Rules of Court; which also mandates the dismissal of this appeal.

APPEAL DISMISSED AS MOOT