

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

**04-152
consolidated with
04-153 & 04-154**

STYLES FASHION OUTLETS, INC, ET AL.

VERSUS

**DAN GABUS D/B/A MARTIAL ARTS ACADEMY AND/OR BAYOU
CRANE PRODUCTIONS AND ABC INSURANCE COMPANY**

APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, NUMBER 20024534
HONORABLE BYRON HEBERT, DISTRICT JUDGE

**BILLIE COLOMBARO WOODARD
JUDGE**

Court composed of Ulysses Gene Thibodeaux, Chief Judge, Billie Colombaro Woodard, and Marc T. Amy, Judges.

REVERSED AND REMANDED.

Gregory J. McDonald
Bienvenu, Foster, Ryan &
O'Bannon
1010 Common Street, Suite 2200
New Orleans, Louisiana 70112
(504) 310-1544
COUNSEL FOR
PLAINTIFF/APPELLANT:
Assurance Company of
America
Northern Insurance Company
of New York

Henry Provosty
Edgar D. Gankendorff
Christophe B. Szapary
Provosty, Salder, deLaunay,
Fiorenza & Sobel
650 Poydras Street, Suite 2700
New Orleans, Louisiana 70130
(504) 410-2795
COUNSEL FOR
DEFENDANTS/APPELLEES:
Dan Gabus d/b/a Martial Arts
Academy and Bayou Crane
Productions and Certain
Underwriters at Lloyd's
London

Kraig Thomas Streng
Post office Drawer 52292
Lafayette, Louisiana 70502-2292
(337) 261-9722
COUNSEL FOR
PLAINTIFF/APPELLEE:
 Styles Fashion Outlets, Inc.
 Lafayette Insurance Co.

William M. Blackston
Hoffman, Siegel, Seydel, et al.
2100 Poydras Center
New Orleans, Louisiana 70130
(504) 523-1385
COUNSEL FOR
PLAINTIFF/APPELLEE:
 Allstate Insurance Co.

Robert L. Ellender
Voorhies & Labbe
Post Office Box 3527
Lafayette, Louisiana 70502-3527
(337) 232-9700
COUNSEL FOR
DEFENDANT/APPELLEE:
 Domengeaux & Foreman
 d/b/a La Promenade Mall, et al.

For the reasons assigned this day in *Northern Ins. Co. of New York v. Dan Gabus, et al.*, 04-153 (La.App. 3 Cir. __/__/04), ___ So.2d ___, we reverse the trial court's dismissal of Assurance Company of America on an exception of prescription. We remand the matter for further proceedings and cast the costs of this appeal on Defendant/Appellee, Gabus and its insurers.

REVERSED AND REMANDED.