

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

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

**ALLSTATE INSURANCE COMPANY**

**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 20025076  
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

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.

WOODARD, Judge.

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.**