

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

NO. 06-1625

GERMAINE BROOKS, ET AL.

VERSUS

CITY OF LAFAYETTE, ET AL.

CONSOLIDATED WITH

NO. 06-1624

RANDY FONTENOT, ET AL.

VERSUS

PATTERSON INSURANCE, ET AL.

APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT,
PARISH OF LAFAYETTE, NOS. 2001-2002, 2001-2216
HONORABLE DURWOOD CONQUE, DISTRICT JUDGE

**JIMMIE C. PETERS
JUDGE**

Court composed of Chief Judge Ulysses Gene Thibodeaux, Sylvia R. Cooks,
Jimmie C. Peters, Elizabeth A. Pickett, and J. David Painter, Judges.

PICKETT, J., DISSENTS AND ASSIGNS WRITTEN REASONS.

AFFIRMED.

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Department of Transportation and Development**

PETERS, J.

For the reasons assigned in *Fontenot v. Patterson Insurance Co.*, 06-1624 (La.App. 3 Cir. ___/___/___), ___ So.2d ___, we affirm the third-party demand judgment in favor of the Lafayette City-Parish Consolidated Government and against Germaine Brooks and the State of Louisiana, Department of Transportation and Development. We order that Germaine Brooks and the State of Louisiana, Department of Transportation and Development, shall be responsible for court costs, including the cost of this appeal, in proportion to their fault. Pursuant to the requirement of La.R.S.13:5112(A), we set the fifty percent share of costs assessed to the State of Louisiana, Department of Transportation and Development in a monetary amount, \$371.86 in lower court costs and \$4,193.34 in appellate costs.

AFFIRMED.

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

06-1625

GERMAINE AND LEONA PHILLIPS

VERSUS

CITY OF LAFAYETTE

consolidated with

06-1624

RANDY FONTENOT AND SUSANNE FONTENOT

VERSUS

PATTERSON INSURANCE AND CHRISTOPHER BROOKS

PICKETT, J., dissenting.

For the reasons assigned in my dissent in *Fontenot v. Patterson Insurance Co.*,
06-1624 (La.App. 3 Cir. __/__/__), ___ So.2d ___, I respectfully dissent.