

**NOT DESIGNATED FOR PUBLICATION**

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

**10-1225**

**ROBERT KEVIN MCCARTNEY, ET AL.**

**VERSUS**

**GEORGE MCCORMICK, ET AL.**

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**APPEAL FROM THE  
NINTH JUDICIAL DISTRICT COURT  
PARISH OF RAPIDES, NO. 225,011  
HONORABLE F. RAE DONALDSON SWENT, DISTRICT JUDGE**

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**ELIZABETH A. PICKETT  
JUDGE**

\*\*\*\*\*

Court composed of Ulysses Gene Thibodeaux, Chief Judge, Sylvia R. Cooks, and Elizabeth A. Pickett, Judges.

**AFFIRMED.**

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**PICKETT, Judge.**

The plaintiffs, Aubrey McCartney, Elaine McCartney, and Robert Kevin McCartney, Individually and on behalf of his minor children, all of whom appear in proper person, appeal the trial court's dismissal of their Motion to Refix: Show Cause Hearing Pursuant To Fraud in the September 29, 2008, Judgment in which they sought to have the judgment declared an absolute nullity on the basis of fraud. The trial court denied the Motion to Refix without setting it for a hearing, noting it was "Denied failure to state proper grounds for nullity under La.C.C.P. art. 2001-2006."

On appeal, the plaintiffs filed a Motion [to] Strike and Answer to Appellee's Brief in which they seek to strike the appellees' brief because the appellees did not oppose the Motion to Refix in the trial court and because the brief allegedly includes false statements of fact. The Motion to Strike was referred to the merits of the appeal.

We have thoroughly examined the allegations set forth in the plaintiffs' Motion to Refix and their Motion [to] Strike and the arguments asserted in their appellate brief and find none of their allegations or arguments have any merit. Accordingly, the judgment of the trial court is affirmed.

**AFFIRMED.**