

**NOT DESIGNATED FOR PUBLICATION**

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

**WCM 13-1111**

**KATHLENE WALKER**

**VERSUS**

**THE SUMMIT**

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**APPEAL FROM THE  
OFFICE OF WORKERS' COMPENSATION - # 2  
PARISH OF RAPIDES, NO. 10-05782  
JAMES L. BRADDOCK, WORKERS COMPENSATION JUDGE**

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**SHANNON J. GREMILLION**

**JUDGE**

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Court composed of Sylvia R. Cooks, Jimmie C. Peters, and Shannon J. Gremillion,  
Judges.

**MOTION TO DISMISS UNLODGED APPEAL DENIED.**

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The Summit**

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**Kathlene Walker**

**GREMILLION, Judge.**

On September 30, 2013, the plaintiff, Kathleen Walker, filed a Motion to Dismiss Unlodged Devolutive Appeal of Interlocutory Decree, seeking the dismissal of a devolutive appeal granted to the defendant, The Summit, with a return date of November 4, 2013. The plaintiff maintains that the ruling of the trial court from which the defendant seeks to appeal is not a final, appealable judgment a partial final and appealable judgment, or a judgment designated as final and appealable. As such, the plaintiff contends that the defendant's unlodged appeal should be dismissed.

Our review of the record reflects that the plaintiff filed a Form 1008 Disputed Claim for Compensation on July 6, 2010, seeking wage benefits, medical benefits, and penalties and attorney fees. A trial on the merits was held on March 7, 2012. In the trial court's final judgment signed on May 9, 2012, it awarded medical benefits, temporary total disability benefits, attorney fees, and judicial interest, thereby disposing of all issues raised by the plaintiff.

On June 12, 2013, the defendant filed a Motion to Modify Judgment. Following a hearing held on July 1, 2013, the motion was denied. A final judgment was signed by the trial court on August 13, 2013. That same day, the defendant filed a Motion for Devolutive Appeal which was subsequently granted.

We find that trial court's ruling, denying the defendant's Motion to Modify Judgment, disposed of all issues pending before the court. Accordingly, the ruling, a final judgment, is properly before this court on appeal. La.Code Civ.P. art. 1841. We hereby deny the plaintiff's motion to dismiss the unlodged appeal at the plaintiff's costs.

**MOTION TO DISMISS UNLODGED APPEAL DENIED.**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION.  
Rule 2-16.3 Uniform Rules, Court of Appeal.