

NOT DESIGNATED FOR PUBLICATION

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

CA 18-263

JENNIFER MAYFIELD AND BENDAL MAYFIELD

VERSUS

THOMAS W. FOTHERGILL, ET AL.

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, NO. 20155971
HONORABLE DAVID MICHAEL SMITH, DISTRICT JUDGE**

SYLVIA R. COOKS

JUDGE

Court composed of Sylvia R. Cooks, Elizabeth A. Pickett and Billy H. Ezell,
Judges.

APPEAL DISMISSED WITHOUT PREJUDICE AND REMANDED.

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COOKS, Judge.

This court, on its own motion, issued a rule for the Plaintiffs-Appellants, Jennifer Mayfield and Bendal Mayfield, to show cause why the appeal should not be dismissed for having been taken from a judgment lacking proper decretal language. For the reasons assigned, we dismiss the appeal without prejudice.

The case was tried before a jury, and the jury verdict was rendered on November 7, 2017. Then, on November 28, 2017, the trial court signed a judgment which, after copying the jury's verdict form, reads in pertinent part:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of the defendants, Thomas Fothergill and State Farm Mutual Automobile Insurance Company, and against the Plaintiffs, Jennifer and Bendal Mayfield.

IT IS FURTHER ORDERED, ADJUDGED AND DECREE that the plaintiffs, Jennifer and Bendal Mayfield, shall pay all court costs.

In *Input/Output Marine v. Wilson Greatbatch*, 10-477, p. 13 (La.App. 5 Cir. 10/29/10), 52 So.3d 909, 916 (citations omitted; emphasis added), another case involving a jury verdict, the court stated:

A final appealable judgment must contain decretal language, and it must name the party in favor of whom the ruling is ordered, the party against whom the ruling is ordered, **and the relief that is granted or denied**. The specific relief granted should be determinable from the judgment without reference to an extrinsic source such as pleadings or reasons for judgment.

The Plaintiffs, in their brief in response to this court's rule, agree that the trial court's judgment lacks proper decretal language. Although the judgment assesses all costs against the Plaintiffs, it is silent as to the relief granted by the judgment. Accordingly, we dismiss the appeal without prejudice and remand the case to the trial court for further proceedings in accordance with this court's ruling.

APPEAL DISMISSED WITHOUT PREJUDICE AND REMANDED.

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