

NOT DESIGNATED FOR PUBLICATION

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

CA 18-756

HAROLD FILS

VERSUS

**STARR INDEMNITY & LIABILITY
INSURANCE COMPANY ET AL.**

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, NO. C20154212
HONORABLE MARILYN CARR CASTLE, DISTRICT JUDGE**

BILLY H. EZELL

JUDGE

Court composed of Billy H. Ezell, John E. Conery, and Van H. Kyzar, Judges.

APPEAL DISMISSED.

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Bis Salamis, Inc.
Bilfinger Salamis, Inc.**

EZELL, Judge.

This court, on its own motion, issued a rule to Plaintiff-Appellant, Harold Fils, to show cause why the appeal in the above captioned case should not be dismissed as having been taken from a partial judgment that has not been designated a final judgment under La.Code Civ.P. art. 1915(B). For the reasons that follow, we dismiss the appeal.

The Plaintiff filed suit against Defendants-Appellees, Starr Indemnity & Liability Insurance Company; Bis Salamis, Inc.; and Bilfinger Salamis, Inc., for injuries sustained in an automobile accident. In Plaintiff's third amended petition for damages, he asserted additional bad faith claims. In response, Defendants filed an exception of res judicata. On May 29, 2018, the trial court sustained the exception and dismissed the Plaintiff's bad faith claims with prejudice.

In response to the rule, Plaintiff acknowledges that a writ application involving the exact issue was simultaneously filed at the time of this appeal, bearing this court's docket number 18-618, and that the instant appeal was filed in an abundance of caution.

We find that the ruling at issue is a partial judgment that has not been designated a final judgment under La.Code Civ.P. art. 1915(B). Accordingly, we hereby dismiss the instant appeal without prejudice at Plaintiff's cost.

APPEAL DISMISSED.

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