

NOT DESIGNATED FOR PUBLICATION

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

CA 21-822 and CA 22-174

STANLEY NORRIS

VERSUS

ALLSTATE INDEMNITY COMPANY, ET AL.

**APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT
PARISH OF IBERIA, NO. 131336
HONORABLE VINCENT JOSEPH BORNE, DISTRICT JUDGE**

ELIZABETH A. PICKETT

JUDGE

Court composed of Elizabeth A. Pickett, Billy H. Ezell, and Shannon J. Gremillion,
Judges.

MOTION TO CONSOLIDATE GRANTED.

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PICKETT, Judge.

Plaintiff-Appellant, Stanley Norris (Norris), filed a Notice of Related Appeals and Motion to Consolidate Appeals, seeking the consolidation of two appeals, docket number 21-822 and docket number 22-174. Defendants-Appellees, Allstate Indemnity Company (Allstate) and Scotty Gaspard (Gaspard), oppose the consolidation of these appeals. For the reason stated herein, we grant the motion to consolidate.

The instant case arises from a motor vehicle accident that occurred on February 6, 2017, involving Norris and Gaspard. As a result of injuries sustained in the accident, Norris filed suit against Gaspard and Allstate. Following a jury trial, Norris was awarded \$350,000.00 in damages. A written judgment signed on October 11, 2021, is on appeal in docket number 21-822. On November 10, 2021, a hearing was held on Norris' Motion to Tax Costs and Gaspard's Motion to Tax Costs on Offer of Judgment. Norris was awarded \$31,867.36 in trial costs, and Gaspard and Allstate were awarded \$25,186.88 in trial costs. A written judgment signed on November 30, 2021, is on appeal in docket number 22-174.

In Norris' motion to consolidate, he argues that the resolution of the appeal in docket number 22-174 is largely dependent on this court's determination of the merits on appeal in docket number 21-822. Further, Norris asserts that both appeals arise out of the same accident, the same trial, and the same final judgment on the merits. Norris also states that briefing has not been completed in either appeal and that there has been no oral argument or final adjudication of the merits of either appeal. In the interest of justice and judicial economy, Norris suggests that the two appeals be consolidated and decided by the same appeal panel. Norris maintains that the consolidation of the appeals will not give any party an undue advantage or prejudice the rights of any party.

In opposition to the motion to consolidate, Allstate and Gaspard argue that the appeal in docket number 21-822 has been fully briefed by both parties. Further, Allstate and Gaspard assert that the appeal in docket number 22-174 is a separate appeal by Norris on the issue of assessment of costs between the parties and involves the effect and ramifications of their offer of judgment pursuant to La.Code Civ. P. arts. 970 and 1450(A)(5). Allstate and Gaspard add that the appeal in 22-174 has not yet been fully briefed. Allstate and Gaspard submit that the issues for consideration in docket number 22-174 are independent from and not germane to the issues to be decided in docket number 21-822. As such, Allstate and Gaspard conclude that docket number 22-174 should not be consolidated with docket number 21-822, and instead, should be considered separately and after a decision is rendered in docket number 21-822.

This court notes that briefing has been completed in docket number 21-822. However, since both appeals arise out of the same accident, the same trial, and the same final judgment on the merits, in the interest of judicial economy, we hereby grant Norris' motion to consolidate and order the consolidation of docket numbers 21-822 and 22-174 for the purpose of appeal.

MOTION TO CONSOLIDATE GRANTED.

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