

OFFICIAL DOCKET

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

101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, SEPTEMBER 14, 2009

COURT CONVENES AT: 10:00 AM

09-CA-167

ORION REFINING CORPORATION INDIVIDUALLY AND AS SUBROGOR, FOR THE USE AND BENEFIT OF ITS SUBROGEEES, LIBERTY INSURANCE UNDERWRITERS INC., ZURICH AMERICAN INSURANCE CO., SUCCESSOR-IN-INTEREST TO ZURICH INSURANCE CO. (U.S. BRANCH), BIRMINGHAM FIRE INSURANCE CO. OF PENNSYLVANIA, ALLIANZ GLOBAL RISKS US INSURANCE CO. (F/K/A ALLIANZ INSURANCE CO.), ALLIED WORLD ASSURANCE CO., LTD., SCOR REINSURANCE CO., ARCH SPECIALTY INSURANCE CO., SR INTERNATIONAL BUSINESS INS. CO. LTD., CERTAIN UNDERWRITERS AT LLOYDS OF LONDON, HISCOX SYNDICATE 33, AND CERTAIN UNDERWRITERS AT LLOYDS OF LONDON, SPL SYNDICATE.

VERSUS

FLUOR ENTERPRISES, INC., COPPERHEAT-MQS, INC., SOUTHEAST LOUISIANA CONTRACTORS OF NORCO, INC., AMERITEK HEAT TREATING & FIELD MACHINING SERVICES, INC., INTERNATIONAL PIPING SYSTEMS, LLC, AMERICAN EQUITY UNDERWRITERS, COLUMBIA CASUALTY COMPANY, EVANSTON INSURANCE COMPANY, AND ADMIRAL INSURANCE COMPANY

Mark C. Dodart, & Rebecca Y. Cooper, for Plaintiff-Appellant

H. Alton Johnson, III, for Plaintiff-Appellant

Russ M. Herman, James C. Klick, & Stephen J. Herman, for Plaintiff-Appellant

Martin C. Sener, Dean S. Rauchwerger, Kenneth R. Wysocki, & Michael S. Eerrera, for Plaintiff-Appellant

Charles R. Penot, John D. Person, Donald C. Douglas, Jr., Campbell E. Wallace, Jonathan C. McCall, & Dominic J. Gianna, for Defendant-Appellee

Thomas E. Balhoff, for Defendant-Appellee

Thomas W. Darling, for Defendant-Appellee

David W. Leefe, for Defendant-Appellee

Jason D. Bone, for Defendant-Appellee

Joseph J. Maselli, Jr., for Defendant-Appellee

Susan R. Laporte, for Defendant-Appellee

Mark E. Best, for Defendant-Appellee

Kyle L. Potts, for Defendant-Appellee

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

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Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator, Nancy Vega, at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET
COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA
101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, SEPTEMBER 14, 2009

COURT CONVENES AT: 10:00 AM

09-CA-144

JAYNE PHILLPOTT, WIFE OF/AND WAYNE PHILLPOTT, WAYNE PHILLPOTT, JR.,
WILLIAM PHILLPOTT AND WESLEY PHILLPOTT

VERSUS

CLARENDON AMERICA INSURANCE COMPANY, LAMAR CONTRACTORS, INC.,
THE SHAW GROUP, INC., SHAW ENVIRONMENTAL, INC., DURR HEAVY
CONSTRUCTION, LLC, H & H IMPORTS, LLC., AND FOREST RIVER, INC.

Thomas A. Gennusa, II, Joseph S. Piacun, Reid S. Uzee & Leonard J. Cline, Jr., for
Plaintiff-Appellant

John E. Unsworth, III, for Defendant-Appellee

P. M. Donovan, for Defendant-Appellee

Renee Z. Berard & Joseph P. Hebert, for Defendant-Appellee

09-KA-180

STATE OF LOUISIANA

VERSUS

WILBERT MATTHEWS

Terry M. Boudreaux, for Plaintiff-Appellee

Martin E. Regan, Jr. & Karla M. Baker, for Defendant-Appellant

09-KA-102

STATE OF LOUISIANA

VERSUS

GEORGE MCGEE

Terry M. Boudreaux, for Plaintiff-Appellee

Holli A. Herrle-Castillo, for Defendant-Appellant

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COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, SEPTEMBER 21, 2009

COURT CONVENES AT: 09:45 AM

***09-CA-194**

DEIDRE MORALES, WIFE OF, AND BRIAN MORALES
VERSUS
BOOMTOWN, L.L.C. OF DELAWARE, LOUISIANA-I GAMING, A LOUISIANA
PARTNERSHIP IN COMMENDAM, DOING BUSINESS AS BOOMTOWN CASINO
NEW ORLEANS AND BOOMTOWN CASINO WESTBANK, AND STEWART
THOMPSON, AND RONETTE M. THOMPSON

Peter M. Meisner, for Plaintiff-Appellant
Daryl A. Higgins, for Defendant-Appellee

09-CA-91

PUNCTUAL ABSTRACT CO. INC.
VERSUS
U.S. LAND TITLE

Philip A. Gattuso, for Plaintiff-Appellee
Steven P. Daigle, Sr., for Plaintiff-Appellee
Rachel M. Riser, for Plaintiff-Appellee
Scott T. Winstead, for Defendant-Appellant
Daniel A. Webb, for Defendant-Appellant

***09-CA-148**

SPECTRUM AUTOMOTIVE FINISHES, INC.
VERSUS
WESTBANK BODY WORKS, INC.

Crystal M. Heine, for Plaintiff-Appellee
Kevin K. Gipson, for Defendant-Appellant

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COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

TUESDAY, SEPTEMBER 15, 2009

COURT CONVENES AT: 10:00 AM

***09-CA-145**

THE PARISH OF JEFFERSON
VERSUS
MELANIE KENNEDY, WIFE OF/AND CHRISTOPHER KENNEDY

Mitchell W. Gibbs, for Plaintiff-Appellee
Philip H. Kennedy, for Defendant-Appellant

09-CA-155

BRANDY ROME
VERSUS
THOMAS BRUCE

Maria M. Chaisson, for Plaintiff-Appellee
Mark D. Plaisance, for Defendant-Appellant

***09-CA-193**

KEITH G. ROSE, ET AL
VERSUS
JACK A. TITTLE, JR., ET AL

Paul A. Eckert, for Plaintiff-Appellant
Stephen J. Laborde, for Defendant-Appellee

08-KA-658

STATE OF LOUISIANA
VERSUS
STANLEY M. HENRY, III

Terry M. Boudreaux, for Plaintiff-Appellee
Karla M. Baker, for Defendant-Appellant

***09-CA-213**

TINA SUDKAMP PENN
VERSUS
TODD MICHAEL PENN, SR.

Maria M. Chaisson, for Plaintiff-Appellant
Julia P. McLellan, for Defendant-Appellee

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COURTROOM "B"

OFFICIAL DOCKET

COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

TUESDAY, SEPTEMBER 15, 2009

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Page 1 of 1

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POSTED: November 03, 2009

**BY ORDER OF THE COURT
PETER J. FITZGERALD, JR., CLERK
(504) 376-1400**

OFFICIAL DOCKET

COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, SEPTEMBER 21, 2009

COURT CONVENES AT: 10:00 AM

09-KA-127

STATE OF LOUISIANA
VERSUS
ANTHONY T. FONTENBERRY

Terry M. Boudreaux, for Plaintiff-Appellee
Jane L. Beebe, for Defendant-Appellant

09-CA-183

CHARLES MEDNICK
VERSUS
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

Leonard I. Cardenas, III & Scotty E. Chabert, Jr., for Plaintiff-Appellant
J. Roslyn Lemmon, for Defendant-Appellee

***09-CA-107**

RICK MURRAY
VERSUS
SERVALL SERVICES, INC.

William R. Mustian, III, for Plaintiff-Appellee
Charles G. Clayton, Mark L. Clark & Christopher G. Ayres, for Defendant-Appellant

09-CA-153

MICHELLE DUFRENE, ET AL
VERSUS
GAUTHREAU FAMILY LLC, GULF SOUTH MANAGEMENT, INC. & LAFAYETTE
INSURANCE COMPANY

Richard C. Trahant, & T. Peter Breslin, Jr., for Plaintiff-Appellee
Raymond A. Pelleteri, Jr., for Defendant-Appellant

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OFFICIAL DOCKET

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

101 DERBIGNY STREET, GRETNA, LOUISIANA

TUESDAY, SEPTEMBER 15, 2009

COURT CONVENES AT: 11:30 AM

09-CA-149

USI INSURANCE SERVICES LLC
VERSUS
BURNETT J. TAPPEL, III

Joanne P. Rinardo & Duris L. Holmes, for Plaintiff-Appellant
H. Michael Bush, George P. Shuler, III & Sarah J. Voorhies, for Defendant-Appellee

09-CA-142

LANE B. DAVIS AND JEANNE D. DAVIS
VERSUS
STEPHEN K. CONROY AND CONROY LAW FIRM, A PROFESSIONAL LAW
CORPORATION

Pauline M. Warriner & Robert H. Matthews, for Plaintiff-Appellant
Michael P. Mentz, for Defendant-Appellee
William E. Wright, Jr. & Charlotte C. Meade, for Defendant-Appellee

09-KA-128

STATE OF LOUISIANA
VERSUS
STANLEY THOMPSON

Terry M. Boudreaux, for Plaintiff-Appellee
Gwendolyn K. Brown, for Defendant-Appellant

09-CA-147

FRANCISCO A. HERNAEZ
VERSUS
MOTHE LIFE INSURANCE COMPANY AND MOTHE FUNERAL HOMES, LLC

Kevin C. O'Bryon, Sherri L. Hutton, Stephanie McLaughlin, & Benjamin Misko, for
Plaintiff-Appellant
Daniel A. Ranson, Glenn D. Price, Jr., & A. Mark Flake, for Defendant-Appellee
Brendan P. Doherty, & Robert I. Siegel, for Defendant-Appellee

***09-CA-27**

SHERI NEWCOMER
VERSUS
JEFFREY BENNETT AND IRENE ANTOINETTE NOEL

Karl Wiedemann, for Plaintiff-Appellant
Jeffrey W. Bennett, for Defendant-Appellee

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COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, SEPTEMBER 21, 2009

COURT CONVENES AT: 11:15 AM

09-KA-195

STATE OF LOUISIANA
VERSUS
JAIME MAGANA

Terry M. Boudreaux, for Plaintiff-Appellee
Bruce G. Whittaker, for Defendant-Appellant

09-CA-205

SUNDOWN EXPRESS, INC.
VERSUS
FREDERICK GONZALES

John Mezaraups, for Plaintiff-Appellee
Joseph G. Albe, for Defendant-Appellant

09-CA-182

C/W

09-C-426

JACK MCCLANAHAN, ET AL
VERSUS
SUSAN FOLSE MCCLANAHAN

JACK MCCLANAHAN, MCCLANAHAN CONTRACTORS, INC., ARANSAS
DRILLING & WORKOVER, INC., INTERNATIONAL RENTAL TOOLS, L.L.C. AND
DELTA PIPE & SUPPLY COMPANY
VERSUS
SUSAN FOLSE MCCLANAHAN

W. Christopher Beary, Maurice E. Bostick & R. Ray Orrill, Jr., for Plaintiff-Appellant
David M. Prados, for Defendant-Appellee

***09-CA-90**

STEVEN M. SPIEGEL, A PROFESSIONAL LAW CORPORATION
VERSUS
KATHERINE MARTINEZ WIFE OF/AND RICHARD MARTINEZ

Steven M. Spiegel, for Plaintiff-Appellant
Richard W. Martinez, for Defendant-Appellee

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COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

THURSDAY, SEPTEMBER 17, 2009

COURT CONVENES AT: 10:00 AM

09-CA-56

MELVIN MILLIEN
VERSUS
LORI A. JACKSON AND INSURER LOUISIANA FARM BUREAU INSURANCE

Fontella Fountain Baker, for Plaintiff-Appellee
James S. Thompson, for Defendant-Appellant

09-KA-139

STATE OF LOUISIANA
VERSUS
SHAWN MURPHY A/K/A DON MURPHY

Terry M. Boudreaux, for Plaintiff-Appellee
Margaret S. Sollars, for Defendant-Appellant
Juan C. Labadie, & Anthony J. Angelette, Jr., for Defendant-Appellant

***09-KA-47**

STATE OF LOUISIANA
VERSUS
GREGORY L. HARTSHORN

Terry M. Boudreaux, for Plaintiff-Appellee
Bruce G. Whittaker, for Defendant-Appellant

09-KA-138

STATE OF LOUISIANA
VERSUS
JERMAINE M. WELCH

Terry M. Boudreaux, for Plaintiff-Appellee
Bruce G. Whittaker, for Defendant-Appellant

09-CA-197

RUCHE J. MARINO ET AL
VERSUS
PARISH OF ST. CHARLES, A POLITICAL SUBDIVISION OF THE STATE OF
LOUISIANA

Darryl J. Becnel & Daniel E. Becnel, Jr., for Plaintiff-Appellant
Alan A. Zaunbrecher & Tricia E. Bollinger, for Defendant-Appellee
Kenneth A. Goodwin, for Defendant-Appellee

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COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA
101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, SEPTEMBER 14, 2009

COURT CONVENES AT: 10:00 AM

***09-CA-129**

KENNER FIRE FIGHTERS ASSOCIATION LOCAL NO. 1427, I.A.F.F. & BRIAN
HUGHES, ET AL
VERSUS
THE CITY OF KENNER

Louis L. Robein, Jr., for Plaintiff-Appellee
Alvin J. Bordelon, Jr., for Defendant-Appellant

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COURTROOM "A"

OFFICIAL DOCKET
COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA
101 DERBIGNY STREET, GRETNA, LOUISIANA

WEDNESDAY, SEPTEMBER 16, 2009

COURT CONVENES AT: 11:00 AM

***08-CA-659**

MELISSA F. GUILLORY
VERSUS
JIMMY LOU GUIDRY HEBERT, ET AL

E. Jeffrey Perilloux, for Plaintiff-Appellee
Michael K. Heltz, for Defendant-Appellant

Page 1 of 1

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POSTED: November 03, 2009

BY ORDER OF THE COURT
PETER J. FITZGERALD, JR., CLERK
(504) 376-1400

OFFICIAL DOCKET
COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA
101 DERBIGNY STREET, GRETNA, LOUISIANA

TUESDAY, SEPTEMBER 15, 2009

COURT CONVENES AT: 10:00 AM

09-CA-146

HANS WEDE
VERSUS
NICHE MARKETING USA, LLC, A LOUISIANA LIMITED LIABILITY COMPANY
AND RODNEY C. WHITNEY, JR.

Mark C. Landry, for Plaintiff-Appellee
Elwood F. Cahill, Jr., John T. Balhoff, James M. Garner & Ryan O. Luminais, for
Defendant-Appellant

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MONDAY, SEPTEMBER 14, 2009

COURT CONVENES AT: 11:30 AM

08-CA-750

DONNA HOWARD, INDIVIDUALLY AND ON BEHALF OF HER TWO MINOR CHILDREN, CHAD HOWARD AND KENDRA HOWARD, CLARENCE JOHNSON, JOYCE JOHNSON, ORVILLE JOHNSON AND HELEN JOHNSON
VERSUS
UNION CARBIDE CORPORATION

Andrew A. Lemmon, for Plaintiff-Appellee

David M. Bienvenu, John P. Murrill & Lexi T. Holinga, for Defendant-Appellant

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THURSDAY, SEPTEMBER 17, 2009

COURT CONVENES AT: 11:00 AM

***08-CA-575**

IONA TATE SMITH
VERSUS
ROBERT GLOSTER SMITH

Terri M. Miles, for Plaintiff-Appellee
Overton T. Harrington, Jr., for Defendant-Appellant

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TUESDAY, SEPTEMBER 15, 2009

COURT CONVENES AT: 11:00 AM

09-KA-48

STATE OF LOUISIANA
VERSUS
EDDIE WILLIAMS

Terry M. Boudreaux, for Plaintiff-Appellee
Kevin V. Boshea, for Defendant-Appellant

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THURSDAY, SEPTEMBER 17, 2009

COURT CONVENES AT: 10:00 AM

09-CA-191

BEATRIZ MIRO STANLEY
VERSUS
DAVID A. NICOSIA

Leslie A. Bonin, for Plaintiff-Appellee
Patrick M. Amedee, for Defendant-Appellant

09-KA-179

STATE OF LOUISIANA
VERSUS
ORLANDO I. LANE

Terry M. Boudreaux, for Plaintiff-Appellee
Bruce G. Whittaker, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 14 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator, Nancy Vega, at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.