

**Fifth Circuit Court of Appeal**  
**State of Louisiana**

No. 25-CA-340

AMY LAVELLE

versus

DAVID ARMSTRONG

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, STATE OF LOUISIANA  
NO. 827-994, DIVISION "K"  
HONORABLE ELLEN SHIRER KOVACH, JUDGE PRESIDING

December 03, 2025

**SCOTT U. SCHLEGEL**  
**JUDGE**

Panel composed of Judges Stephen J. Windhorst,  
John J. Molaison, Jr., and Scott U. Schlegel

**APPEAL DISMISSED**

**SUS**  
**SJW**  
**JJM**

FIFTH CIRCUIT COURT OF APPEAL  
A TRUE COPY OF DOCUMENTS AS  
SAME APPEARS IN OUR RECORDS  
  
Linda Tran  
First Deputy, Clerk of Court

COUNSEL FOR PLAINTIFF/APPELLEE,  
AMY LAVELLE

Amy Lavelle

COUNSEL FOR DEFENDANT/APPELLANT,  
DAVID ARMSTRONG

David Armstrong

**SCHLEGEL, J.**

Defendant, David Armstrong, seeks review of the trial court's April 16, 2025 judgment granting a motion for distribution of funds filed by plaintiff, Amy Lavelle. For reasons stated below, we dismiss this appeal.

This matter originated in 2022 when Ms. Lavelle filed a petition for declaratory judgment and to partition immovable property. The parties purchased the property at issue shortly before they were married. According to the trial court's reasons for judgment, they eventually sold the property in December 2024 for \$129,323.24, and the sales proceeds were deposited in the registry of the court. On April 16, 2025, the trial court granted Ms. Lavelle's motion to distribute these funds and awarded her the full amount deposited in the registry of the court as partial reimbursement for her payment of the purchase price.

On April 22, 2025, Mr. Armstrong filed a motion for suspensive appeal, which the trial court granted. The record was lodged with this Court on July 31, 2025. On August 22, 2025, Mr. Armstrong requested additional time to file his appellate brief, and this Court granted him an extension until September 24, 2025. When Mr. Armstrong failed to file his appellate brief on that date, this Court sent Mr. Armstrong a notice pursuant to Uniform Rule – Courts of Appeal Rule 2-8.6 explaining that if he did not file a brief by October 31, 2025, the matter would be dismissed as abandoned. Mr. Armstrong filed his late appellate brief on October 31, 2025, and the Clerk of Court issued a deficiency notice due to Mr. Armstrong's failure to sign his brief and to include a certificate of service. Mr. Armstrong filed a corrected brief on November 6, 2025.

Mr. Armstrong's appellate brief contains a statement of facts and one assignment of error asserting that the "trial court erred as a matter of law in ruling that Amy Lavelle is entitled to 100 percent of the proceeds from the sale of immovable property owned in indivision." The remainder of the brief contains

headings for “Summary Of The Argument,” “Argument,” and “Conclusion” sections, but they are entirely blank. Mr. Armstrong provides no discussion or argument in his brief to explain the factual and legal grounds for his claim that the trial court erred by awarding all of the proceeds from the sale of the property to Ms. Lavelle.<sup>1</sup>

All assignments of error and issues for review must be briefed and the appellate court may consider as abandoned any assigned error of issue for review that has not been briefed. Uniform Rules – Courts of Appeal, Rule 2-12.4(B)(4); *Simmons v. Simmons*, 24-162 (La. App. 5 Cir. 1/29/25), 403 So.3d 1265, 1275, *writ denied*, 25-292 (La. 5/29/25), 410 So.3d 147.

Because Mr. Armstrong failed to provide any argument to explain the basis for his appeal and his sole assignment of error, there is nothing for this Court to review. Accordingly, we dismiss Mr. Armstrong’s appeal. We issue this summary disposition in accordance with Uniform Rules – Courts of Appeal Rule 2-16.2(A)(10).

**APPEAL DISMISSED**

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<sup>1</sup> The trial court provided detailed reasons for judgment explaining the factual and legal grounds for awarding all of the proceeds deposited in the registry of the court to Ms. Lavelle.

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISSON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. TRAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

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**NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **DECEMBER 3, 2025** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in blue ink that reads "Curtis B. Pursell".

**CURTIS B. PURSELL**  
CLERK OF COURT

**25-CA-340**

**E-NOTIFIED**

24TH JUDICIAL DISTRICT COURT (CLERK)  
HONORABLE ELLEN SHIRER KOVACH (DISTRICT JUDGE)  
NO ATTORNEY(S) WERE ENOTIFIED

**MAILED**

AMY LAVELLE (APPELLEE)	DAVID ARMSTRONG (APPELLANT)
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