

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2009 CA 1489

CRYSTAL AUCOIN, JAMIE LEONARD DRYWALL, L.L.C., FELICIA DAIGLE,
BARBARA AUCOIN, MELISSA LOGA, ON BEHALF OF HER MINOR
DAUGHTER, MISTY GAUDET, MAX AND BRENDA PREJEAN AND KELLY
V. JONES, ON BEHALF OF THEMSELVES AND ALL OTHER SIMILARLY
SITUATED

VERSUS

GULF SOUTH PIPELINE CO., ENTERGY CORPORATION, KOCH CHEMICAL
CO., THE DOW CHEMICAL CO., FRANK'S CASING CREW & RENTAL
TOOLS, INC., GREY WOLF DRILLING CO., THE STATE OF LOUISIANA,
THROUGH THE DEPARTMENT OF NATURAL RESOURCES

CONSOLIDATED WITH

NO. 2009 CA 1490

LOUIS LEBLANC JR., MERRILL L. CORNAY, ELENA LEBLANC, ALBERT H.
LEBLANC JR.

VERSUS

DOW CHEMICAL CO., GULF SOUTH PIPELINE CO., FRANK'S CASING
CREW & RENTAL TOOLS, INC., GREY WOLF DRILLING CO., THE STATE
OF LOUISIANA, THROUGH THE DEPARTMENT OF NATURAL RESOURCES

Judgment rendered September 10, 2010.

Appealed from the
23rd Judicial District Court
in and for the Parish of Assumption, Louisiana
Trial Court Nos. 28,157 c/w 28,122
Honorable Thomas J. Kliebert, Jr., Judge

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* * * * *

BEFORE: KUHN and PETTIGREW, JJ., and KLINE, J. Pro Tem.¹

¹ Judge William F. Kline, Jr. , retired, is serving as judge *pro tempore* pursuant to special appointment of the Louisiana Supreme Court.

PETTIGREW, J.

In the present action, 22 pre-selected plaintiffs, out of approximately 1200 total plaintiffs, asserted individual claims for damages allegedly suffered as a result of a natural gas leak. Plaintiffs herein are all residents of communities outside of the evacuation zone, but claimed to have been inconvenienced in being forced to drive longer alternate routes to and from their residences for a period of 50 days as result of the closure of a portion of La. Hwy. 70.

Following a bench trial, the trial court rendered judgment on April 29, 2009, and allowed recovery for 18 individual claims of inconvenience and/or special damages. From this judgment, defendants, the Dow Chemical Company, Dow Hydrocarbons & Resources, L.L.C., Gulf South Pipeline Company, L.P., and OIL Insurance, Ltd., have suspensively appealed, and plaintiffs also appeal the trial court's denial of the fear and fright claims of some plaintiffs.

This matter was fixed for oral argument on the docket of this court for August 3, 2010, at 9:30 a.m. As the parties in this matter indicated to the court on said date that settlement of this matter was likely, this matter was continued and rescheduled without oral argument for August 24, 2010, at 9:30 a.m. As may be seen by the Joint Motion To Dismiss Appeal, filed herein on August 31, 2010, and made a part hereof by reference, the parties have amicably compromised all disputes between them, including all disputes presently the subject of this appeal and the payment of costs.

Because the parties have settled this matter, the issues raised by the parties on appeal are moot and are not properly before the court at this time. Courts may not decide cases that are moot, or where no justiciable controversy exists. An issue is moot when it has been deprived of practical significance and has been made abstract or purely academic. **McLain v. Mann**, 2006-1174, p. 3 (La. App. 1 Cir. 5/4/07), 961 So.2d 415, 417. Accordingly, this appeal is dismissed as moot. All costs associated with this appeal shall be split between plaintiffs and defendants.

APPEAL DISMISSED.