

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2005 CA 2102

MICHAEL ARNOLD AND CYNTHIA ARNOLD

VERSUS

**CLYDE P. LYNCH, STATE FARM INSURANCE CO.,
AND XYZ INSURANCE COMPANY**

Judgment rendered: November 3, 2006

**On Appeal from the 22nd Judicial District Court
Parish of St. Tammany, State of Louisiana
Number 2001-10151; Division "C"
The Honorable Patricia T. Hedges, Judge Presiding**

**Marti Tessier
Mandeville, LA**

**Counsel for Plaintiffs/Appellants
Michael Arnold and Cynthia Arnold**

**Patrick C. Grace
Metairie, LA**

**Counsel for Defendants/Appellees
Ironwood Construction, Inc. and
Maryland Insurance Company
(incorrectly referred to in Original
Petition as Zurich Insurance Group)**

BEFORE: PETTIGREW, DOWNING AND HUGHES, JJ.

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DOWNING, J.

This lawsuit arises from a motor vehicle accident. Following a trial on the merits, plaintiffs appealed the judgment dismissing their suit. The only issue on appeal is whether the jury erred in determining that the driver of the vehicle that caused the accident was not an “employee” of the construction company for whom he occasionally worked.

After a thorough review, we conclude that the record does not demonstrate that the decision of the jury was manifestly erroneous. Thus, in accordance with Uniform Rules - Courts of Appeal Rule 2-16.2(4) and (6), we affirm the judgment rendered in the trial court. All costs of this appeal are assessed against the plaintiffs-appellants, Michael and Cynthia Arnold.

AFFIRMED