

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2005 CA 0538

JOHN B. EDGAR, III

VERSUS

CHARLES R. WERCHAN

Judgment Rendered: _____

JUN 20 2007

Appealed from the
Eighteenth Judicial District Court
In and for the Parish of West Baton Rouge
Suit Number 30,914

Honorable James J. Best, Judge

James L. Maughan
Baton Rouge, Louisiana

Counsel for
Plaintiff/Appellee
John B. Edgar III

Tommy Thompson
Port Allen, Louisiana

Counsel for
Defendant/Appellant
Charles R. Werchan

BEFORE: KUHN, GUIDRY, AND PETTIGREW, JJ.

GUIDRY, J.

On August 20, 2003, Judge James Best of the Eighteenth Judicial District Court signed a judgment in favor of John B. Edgar III against Charles R. Werchan. Werchan filed a notice and order for devolutive appeal of the August 20, 2003 judgment on October 15, 2003, and Judge Best signed the order granting the appeal on October 22, 2003. A deputy clerk of court of the district court mailed a notice of the granting of the order of appeal that same date, which further advised that under La. C.C.P. art. 2126, all estimated costs of the appeal must be paid to the clerk within 20 days. No further action by the parties to that judgment has been taken in the appeal thereof since that date.

Therefore, based on the parties' failure to take any step in the prosecution or disposition of the appeal of the August 20, 2003 judgment for a period of over three years, we hereby dismiss the appeal of the August 20, 2003 judgment as abandoned. See La. C.C.P. art. 2165 and Local Rules, Court of Appeal, 1st Cir. Rule 4; see also Willis v. State ex. rel. Louisiana Dept. of Highways, 321 So. 2d 817 (La. App. 1st Cir. 1975); Hollenbach v. Mt. Beacon Insurance Co., 289 So. 2d 519 (La. App. 1st Cir. 1974); and United States Fidelity & G.Co. v. Aetna Cas. & Sur. Co., 298 So. 2d 132 (La. App. 3d Cir. 1974). This memorandum opinion is issued in compliance with Uniform Rules, Courts of Appeal, Rule 2-16.1(B).

APPEAL DISMISSED.