

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

03-1222

LAURA STELLY

VERSUS

PARAGON CASINO AND RESORT

APPEAL FROM THE
OFFICE OF WORKERS' COMPENSATION, DISTRICT 2,
PARISH OF RAPIDES, NO. 02-2587,
JAMES L. BRADDOCK, WORKERS' COMPENSATION JUDGE

**MICHAEL G. SULLIVAN
JUDGE**

Court composed of Jimmie C. Peters, Michael G. Sullivan, and Glenn G. Gremillion,
Judges.

AFFIRMED.

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SULLIVAN, Judge.

In this workers' compensation case, Defendant filed an exception of lack of subject matter jurisdiction, claiming that it was immune from suit in the Louisiana Department of Labor, Office of Workers' Compensation, due to its sovereign status as an Indian nation. The workers' compensation judge sustained the exception and dismissed Plaintiff's suit.

After reviewing the law and the evidence, we conclude that the issues in this case are essentially identical to those in our recent decision of *Ortego v. Tunica Biloxi Indians of La. d/b/a Paragon Casino*, 03-1001 (La.App. 3 Cir. 2/4/04), ___ So.2d ___. Finding *Ortego* controlling, we affirm the dismissal of Plaintiff's suit.

Decree

For the foregoing reasons, the judgment of the Office of Workers' Compensation granting Defendant's exception of lack of subject matter jurisdiction is affirmed. Costs of this appeal are assessed to Plaintiff-Appellant, Laura Stelly.

AFFIRMED.