

NOT DESIGNATED FOR PUBLICATION

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

06-1487

**SHIRLEY DUFOUR
VERSUS
RIVER CITY MANAGEMENT**

**APPEAL FROM THE
OFFICE OF WORKER'S COMPENSATION, DISTRICT 2
PARISH OF RAPIDES, NO. 05-07862
HONORABLE JAMES L. BRADDOCK, JUDGE**

**ELIZABETH A. PICKETT
JUDGE**

Court composed of Sylvia R. Cooks, Glenn B. Gremillion, and Elizabeth A. Pickett, Judges.

RULE TO SHOW CAUSE WITHDRAWN.

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PICKETT, Judge.

On January 24, 2007, this court issued a rule for the plaintiff-appellant, Shirley DuFour, to show cause, by brief only, why the instant appeal should not be dismissed as premature. For the reasons assigned below, we withdraw the rule to show cause.

The plaintiff filed a disputed claim for worker's compensation against defendant River City Management. Following a settlement, the defendant and Louisiana Worker's Compensation Corporation (LWCC) filed a Motion for Penalties against the plaintiff's attorney for failing to pay five hundred dollars that the court previously assessed in sanctions and a penalty of three thousand dollars to the LWCC for failure to pay a judgment. The trial court granted the motion on August 18, 2006.

The plaintiff timely filed a motion for new trial that was denied by the trial court on August 25, 2006, without a hearing. The plaintiff filed a notice and intent to seek writs and the record of this appeal was lodged on November 20, 2006.

Initially, we considered that this appeal may be premature as the trial court failed to properly dispose of the motion for new trial. The notation "Denied" written across the rule to show cause was insufficient to constitute a judgment on the motion. *See Egle v. Egle*, 05-531 (La.App. 3 Cir. 2/18/06), 923 So.2d 780. At the time we issued the rule to show cause, the appeal record before us contained no judgment rendered on the motion. However, in response to this court's rule, the appellant filed a motion to supplement the appellate record with a copy of the judgment denying the motion for new trial. We now find that this supplement to the record adequately shows that the trial

court disposed of the motion for new trial and this appeal is not premature.

RULE TO SHOW CAUSE WITHDRAWN.

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION.
Rule 2-16.3 Uniform Rules, Court of Appeal.