

Supreme Court of Louisiana

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FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 27th day of June, 2018, are as follows:

PER CURIAM:

2018-C-0313

KEVIN COOLIDGE v. AUSTIN BUTLER, DBA AUSTIN'S AUTO SALVAGE
(Office of Workers' Compensation, District 1E)

For the reasons assigned in our opinion in Angela Jackson v. Family Dollar Stores of Louisiana, Inc., et al., 18-0170 (La. __/__/18), ___ So.3d ___, the judgment of the court of appeal is affirmed insofar as it determined it had jurisdiction to consider this devolutive appeal, although it could not entertain the appeal until the bond was posted. The case is remanded to the court of appeal to determine whether the bond has been posted and, if so, to consider the appeal on the merits.

AFFIRMED AND REMANDED.

JOHNSON, C.J., dissents and assigns reasons.

WEIMER, J., dissents and assigns reasons.

GUIDRY, J., concurs.

CRICHTON, J., additionally concurs for the reasons assigned in Angela Jackson v. Family Dollar Stores of Louisiana, Inc., et al., 18-0170 (La. 6/27/18, ___ So.3d. ___).

06/27/18

SUPREME COURT OF LOUISIANA

No. 2018-C-0313

KEVIN COOLIDGE

VERSUS

AUSTIN BUTLER, DBA AUSTIN'S AUTO SALVAGE

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, THIRD
CIRCUIT, OFFICE OF WORKERS' COMPENSATION, DISTRICT 1E**

PER CURIAM

For the reasons assigned in our opinion in *Angela Jackson v. Family Dollar Stores of Louisiana, Inc., et al.*, 18-0170 (La. __/__/18), ___ So.3d ___, the judgment of the court of appeal is affirmed insofar as it determined it had jurisdiction to consider this devolutive appeal, although it could not entertain the appeal until the bond was posted. The case is remanded to the court of appeal to determine whether the bond has been posted and, if so, to consider the appeal on the merits.

DECREE

For the reasons assigned, the judgment of the court of appeal is affirmed insofar as it determined it had jurisdiction over this devolutive appeal. The case is remanded to the court of appeal for further proceedings consistent with this opinion.

06/27/18

SUPREME COURT OF LOUISIANA

No. 2018-C-0313

KEVIN COOLIDGE

VERSUS

AUSTIN BUTLER, DBA AUSTIN'S AUTO SALVAGE

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, THIRD
CIRCUIT, OFFICE OF WORKERS' COMPENSATION, DISTRICT 1E**

JOHNSON, Chief Justice, dissents and assigns reasons.

In this case, Kevin Coolidge, was injured in the course and scope of his employment as a mechanic with Austin Butler d/b/a Austin's Auto Salvage ("Austin"). On June 29, 2016, the OWC awarded him benefits, including medical expenses, temporary total disability, and supplemental earnings benefits, and assessed sanctions and attorney's fees against Austin. On August 29, 2016, Austin filed a motion for appeal and the OWC signed the order on September 1, 2016. Neither the motion nor the order specified the type of appeal, and Austin did not request that a bond be set. On September 2, 2016, the OWC issued a notice of appeal indicating the appeal was devolutive. No appeal bond was set. On November 28, 2016, claimant filed the instant motion to dismiss the appeal as untimely based on Austin's failure to post an appeal bond in accordance with La. R.S. 23:1310.5(C). The Court of Appeal granted claimant's motion and dismissed Austin's appeal as premature. The court remanded the case to the OWC for the setting of a bond in compliance with La. R.S. 23:1310.5(C).

I disagree with the majority's holding that the court of appeal has jurisdiction to consider this devolutive appeal. I respectfully dissent for the reasons I assigned in

my dissent this day in *Angela Jackson v. Family Dollar Stores of Louisiana, Inc., et al.*, 18-0170 (La. ___/___/18), ___ So.3d ___ (J, dissenting).

06/27/18

SUPREME COURT OF LOUISIANA

NO. 2018-C-0313

KEVIN COOLIDGE

VERSUS

AUSTIN BUTLER, DBA AUSTIN'S AUTO SALVAGE

*ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, THIRD CIRCUIT,
OFFICE OF WORKERS' COMPENSATION, DISTRICT 1E*

WEIMER, J., dissenting.

I respectfully dissent for the reasons assigned in my dissent in **Angela Jackson v. Family Dollar Stores of Louisiana, Inc., et al.**, 18-0170 (La. 6/ /18), ___ So.3d ___.

06/27/18

SUPREME COURT OF LOUISIANA

No. 2018-C-0313

KEVIN COOLIDGE

VERSUS

AUSTIN BUTLER, DBA AUSTIN'S AUTO SALVAGE

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, THIRD
CIRCUIT, OFFICE OF WORKERS' COMPENSATION, DISTRICT IE**

CRICHTON, J., additionally concurs and assigns reasons:

I additionally concur for the reasons assigned in *Angela Jackson v. Family Dollar Stores of Louisiana, Inc., et al.*, 18-0170 (La. 6/27/18), ___ So.3d ___.