

COURT OF APPEAL, SECOND CIRCUIT
STATE OF LOUISIANA
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700

LUBA WORKERS COMP AND
TRUCARE HOME HEALTH, LLC

No. 56489-WCA

VERSUS

Appealed from
Ouachita Parish
No. 2306058

REBECCA SEARS

Before STONE, THOMPSON, and HUNTER, JJ.

ORDER

This appeal comes before the court on jurisdictional check and a “Motion to Dismiss Appeal,” filed by Defendant-Appellee Rebecca Wilhite Sears. Sears seeks dismissal of the appeal as untimely and requests damages for frivolous appeal. The motion to dismiss and request for frivolous appeal damages are denied. *Jones v. Cisneros*, 20-0582 (La. App. 4 Cir. 4/7/21), 315 So. 3d 959; *Henry v. Bd. of Supervisors of Louisiana Cmty. & Tech. Coll. Sys.*, 19-1672 (La. App. 1 Cir. 9/18/20), 313 So. 3d 1009.

However, jurisdictional check of this appeal shows that the Workers’ Compensation Judge’s November 14, 2024, “Final Judgment on Motion to Strike,” does not contain proper decretal language expressly indicating the effect of the relief that was awarded which was the formal dismissal of the action. Language formally dismissing the matter is required. *Id.* Thus, the ruling is not a “final judgment” for purposes of immediate appeal.

In accordance with La. C.C.P. art. 1918, this matter is remanded with instructions for amendment of the judgment by the Workers’ Compensation Judge in accordance with La. C.C.P. art. 1951 within 20 days of the date of this order. Duplicate certified copies of such judgment should be transmitted to this Court for supplementation of the record within 20 days of this order. Briefing is suspended pending supplementation and will be reissued upon completion of the record.

Shreveport, Louisiana, this 14 day of May 2025.

SDS JRT MLH

FILED: May 14, 2025

Melby Melton

DEPUTY CLERK

Certified Article Number

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SENDER'S RECORD