

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-30660

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CAPITOL HOUSE PRESERVATION COMPANY, LLC,

Plaintiff-Appellant,

versus

PERRYMAN CONSULTANTS INCORPORATED; M RAY PERRYMAN, Doctor;  
XYZ INSURANCE; TUV INSURANCE; JAZZ ENTERPRISES, INC.; STEVE  
URIE; MARGARET URIE; MARK BRADLEY; RONALD JOHNSON; MARILYN J.  
JOHNSON; LODGING SYSTEMS, INC.; CATFISH QUEEN PARTNERSHIP IN  
COMMENDAM; CPA ACCOUNTING FIRM; ARGOSY OF LOUISIANA, INC.;  
ARGOSY GAMING CO.; PAULA BRADLEY,

Defendants-Appellees.

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CAPITOL HOUSE PRESERVATION COMPANY, LLC.,

Plaintiff-Appellant,

versus

JAZZ ENTERPRISES, INC.; STEVE URIE; MARGARET URIE;  
MARK BRADLEY; RONALD JOHNSON; MARILYN J. JOHNSON;  
LODGING SYSTEMS, INC.; CPA ACCOUNTING FIRM; XYZ INSURANCE CO.;  
CATFISH QUEEN PARTNERSHIP IN COMMENDAM; ARGOSY OF LOUISIANA,  
INC.; ARGOSY GAMING CO.; PAULA BRADLEY,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Middle District of Louisiana, Baton Rouge

(95-CV-725-B-M2)

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March 11, 1997

Before GARWOOD, WIENER and DeMOSS, Circuit Judges.\*

PER CURIAM:

Under *Quackenbush v. Allstate*, 116 S.Ct. 1712 (1996)—which the district court did not have the benefit of—dismissal was not proper. Appellees have also agreed that developments since the district court's decision, including two of the state cases becoming final, have rendered further stay inappropriate. Accordingly, the judgment is vacated and the cause is remanded for further proceedings.

VACATED and REMANDED

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\*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.