

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-30597

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TRANSPORTATION INSURANCE COMPANY,

Plaintiff-Appellee,

versus

PROFESSIONAL ENGINEERING CONSULTANTS, INC.; ET AL.,

Defendants,

PROFESSIONAL ENGINEERING CONSULTANTS, INC.; TONY ARIKOL; TIM  
HART; TOMMY CARPENTER,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
(00-CV-881-M1)

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February 11, 2002

Before DUHÉ, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:\*

Jurisdiction is lacking over this interlocutory appeal of the district court's denial of defendants' motion to dismiss based on abstention. The denial does not "fall within the limited class of final collateral orders", *Midland Asphalt Corp. v. United States*, 489 U.S. 794, 799 (1989), because it does not satisfy the standard established in *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 468

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\*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

(1978): "[T]he order must conclusively determine the disputed question, resolve an important issue completely separate from the merits of the action, and be effectively unreviewable on appeal from a final judgment." See also *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271 (1988). Accordingly, the appeal is

***DISMISSED.***