

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CATHLEEN S. JACOB

CIVIL ACTION

VERSUS

NO. 09-3229

HOME DEPOT USA, INC.

SECTION N (2)

ORDER AND REASONS

Before the Court is the Motion for Summary Judgment (Rec. Doc. 33), filed by Defendants Home Depot U.S.A., Inc. and Steadfast Insurance Company. This motion was opposed. (See Rec. Doc. 36). In this case, Plaintiff Cathleen Jacob claims to have injured herself by slipping in standing water while on Home Depot's premises. Plaintiff asserts that she slipped in water located in the vicinity of red and yellow cautioning striping, which was painted on the concrete floor. After reviewing the memoranda of the parties, including the exhibits attached thereto, and the applicable law, the Court concludes that genuine issues of material fact exist, relating to, *inter alia*, why the ground (and striping) was wet, whether Home Depot's watering procedures contributed to the wet ground, whether Plaintiff's fall could have been prevented, and whether painted striping on the concrete was necessary in the area in which Plaintiff fell, which all preclude summary judgment in this instance. Accordingly,

IT IS ORDERED that the **Motion for Summary Judgment (Rec. Doc. 33)** is **DENIED**.

New Orleans, Louisiana, this 15th day of April 2010.



KURT D. ENGELHARDT
United States District Judge