

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JENNIFER BAKER

CIVIL ACTION

VERSUS

NO. 23-2281

WALMART, INC.

SECTION M (5)

ORDER & REASONS

Before the Court is a motion for summary judgment filed by defendant Walmart, Inc. (“Walmart”), arguing that plaintiff Jennifer Baker, who alleges that she was injured in a trip-and-fall accident in a Walmart store, cannot establish (1) that Walmart had actual or constructive notice of the trip hazard, *viz.*, a piece of plastic or plastic bag on the ground; (2) that Walmart had such notice in sufficient time to remedy the situation; or (3) that the piece of plastic or plastic bag was unreasonably dangerous.¹ Baker responds in opposition, pointing to summary-judgment evidence she says establishes that Walmart created the alleged unreasonably dangerous condition at issue and failed to act to remedy the condition it caused.² Walmart replies in further support of its motion, reiterating the same points it previously pressed and taking issue with some, but not all, of the evidence upon which Baker relies.³ The Court, having considered the parties’ memoranda and the evidence presented, finds that there are disputed issues of material fact regarding whether Walmart created an unreasonably dangerous condition (including whether the particular hazard was open and obvious) that preclude summary judgment in Walmart’s favor.

¹ R. Doc. 19.


² R. Doc. 23. Baker also claims that there exist disputed issues of fact as to whether Walmart had actual or constructive notice of the hazard.

³ R. Doc. 24. Baker supplements her opposition to supply certain pages of the summary-judgment evidence she inadvertently omitted from her original filing. R. Docs. 25 (adding what is now R. Doc. 19-13); 26.

Accordingly, for the foregoing reasons,

IT IS ORDERED that the Walmart's motion for summary judgment (R. Doc. 19) is
DENIED.

New Orleans, Louisiana, this 7th day of March, 2024.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE