

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

HAZEL ALLEN

NO. 2014 CW 0518

VERSUS

HATTIE G. LOCKWOOD, FARM
BUREAU INSURANCE COMPANY,
WESLEY CHAPEL CHURCH, ABC
INS. CO., AND ALLSTATE
INSURANCE COMPANY

JUL 14 2014

In Re: GuideOne Specialty Mutual Insurance Company, applying
for supervisory writs, 21st Judicial District Court,
Parish of St. Helena, No. 21745.

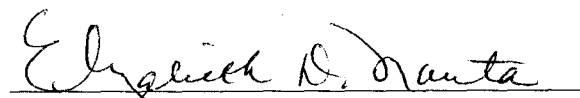
BEFORE: WHIPPLE, C.J., PARRO AND WELCH, JJ.

WRIT DENIED. Whether a defect presents an unreasonable risk of harm must be determined in light of facts and circumstances of each particular case. The supreme court has held that the question of whether a defect presents an unreasonable risk of harm is a mixed question of law and fact and, accordingly, should be determined by the fact-finder. **Broussard v. State ex rel. Office of State Buildings**, 2012-1238 (La. 4/5/13), 113 So.3d 175, 183.

RHP
VGW

Welch, J., dissents and would grant the writ application. There is no way a rational trier of fact could find that a rural church in Greensburg, Louisiana, that has a cleared wooded area for a parking lot, was in any way negligent or a cause in fact of the accident sued upon.

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DEPUTY CLERK OF COURT
FOR THE COURT