

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

PHYLLIS B. CREEL

NO. 2014 CW 0837

VERSUS

UNITED FIRE & INDEMNITY
COMPANY AND THE HAYDEL
CHIROPRACTIC CLINIC

JUL 29 2014

In Re: Phylis B. Creel, applying for supervisory writs, 32nd
Judicial District Court, Parish of Terrebonne, No.
165740.

BEFORE: CRAIN, THERIOT AND DRAKE, JJ.


WRIT DENIED. Not every minor defect or deviation in a sidewalk is unreasonably dangerous. **Jenkins v. Doucet**, 2014-0879 (La. 6/30/14), ___ So.3d ___. Defendants produced evidence that Dr. Patrick Haydel had no knowledge of, nor had he received any complaints about the deviation in the concrete landing, nor had there been any prior accidents involving the deviation in at least ten years.

WJC

Theriot, J., concurs.

Drake, J., dissents and would grant the writ. I would reverse the May 8, 2014 judgment of the trial court granting the partial summary judgment in favor of United Fire & Indemnity Company and The Haydel Chiropractic Clinic. Plaintiff was able to demonstrate that genuine issues of material fact exist as to whether the premises contained a defect that presented an unreasonable risk of harm, and whether defendants had actual or constructive notice of this alleged defect. **Broussard v. State ex rel. Office of State Buildings**, 2012-1238 (La. 4/5/13), 113 So.3d 175.

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DEPUTY CLERK OF COURT
FOR THE COURT