

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JESSI DALE

NO. 2014 CW 1280

VERSUS

STATE OF LOUISIANA, THROUGH
THE DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT; STATE OF
LOUISIANA, THROUGH ITS
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS, OFFICE OF
STATE POLICE; SID GAUTREAUX,
III, AS SHERIFF OF EAST
BATON ROUGE PARISH AND GREG
PHARES, AS SHERIFF OF EAST
BATON ROUGE PARISH

SEPT. 12, 2014

In Re: State of Louisiana, through the Department of
Transportation, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 595,598.

BEFORE: GUIDRY, THERIOT AND DRAKE, JJ.

WRIT GRANTED. Pursuant to a *de novo* review, we find that the defendant, the State of Louisiana, through the Department of Transportation and Development ("the State"), established that it did not owe the plaintiff, Jessi Dale, a duty based on the undisputed facts. As such, the State is entitled to summary judgment as a matter of law. La. C.C.P. 966 (B)(2). Accordingly, the writ is granted and the August 29, 2014 judgment denying the defendant's motion for summary judgment is reversed. We grant the motion for summary judgment in favor of the defendant and dismiss the plaintiff's petition with prejudice.

MRT
EGD
JMG

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DEPUTY CLERK OF COURT
FOR THE COURT