

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

TORI NELSON

NO. 2018 CW 1079

VERSUS

CARROLL CUISINE CONCEPTS,  
LLC D/B/A HOT TAILS  
RESTAURANT, RETAILERS  
CASUALTY INSURANCE COMPANY,  
AND PHILLIP ROMANO

**NOV 09 2018**

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In Re: Retailers Casualty Insurance Company, applying for  
supervisory writs, 19th Judicial District Court,  
Parish of East Baton Rouge, No. 652653.

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**BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.**

**WRIT GRANTED WITH ORDER.** The district court's July 25, 2018 judgment, denying defendant/relator, Retailers Casualty Insurance Company's Motion to Enforce Court Discovery Order, is hereby vacated. Under Louisiana law, the party asserting the privilege has the burden of proving that the privilege applies; further, the party asserting the privilege must adequately substantiate the claim and cannot rely on a blanket assertion of privilege. See **Cacamo v. Liberty Mutual Fire Insurance Co.**, 99-1421 (La. App. 4th Cir. 10/10/01), 798 So.2d 1210, 1216, & **Maldonado v. Kiewit Louisiana Co.**, 2012-1868 (La. App. 1st Cir. 5/30/14), 152 So.3d 909, 927, writ denied, 2014-2246 (La. 1/16/15), 157 So.3d 1129. Therefore, plaintiff/respondent, Tori Nelson, is hereby ordered to produce to the district court a privilege log containing a description of each document over which she asserts the work-product privilege sufficient to establish the privilege claimed, and the district court shall consider such log in ruling on the Motion to Enforce Court Discovery Order.

**JEW  
WRC  
JTP**

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DEPUTY CLERK OF COURT  
FOR THE COURT