

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ROOSEVELT MATEN,
INDIVIDUALLY, AND ON BEHALF
OF HIS MINOR CHILD AALIYAH
GORDON, AND LASONYA BYRD

NO. 2018 CW 1307

VERSUS

GRANITE STATE INSURANCE
COMPANY, JOHNSON STORAGE AND
MOVING CO. (726), L.L.C.,
AND HAYES THOMPSON

DEC 10 2018

In Re: Granite State Insurance Company, Johnson Storage & Moving Co., L.L.C., and Hayes Thompson, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 621260.

BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.

WRIT GRANTED. Although the trial court has wide discretion in fashioning a remedy pursuant to those provided in La. Code Civ. P. art. 1471, the record must contain sufficient evidence of a defendant's willful disobedience, bad faith, or fault in order to justify dismissal of a claim. **In re Medical Review Panel**, 99-2088 (La. App. 1st Cir. 12/22/00), 775 So.2d 1214, 1218. We find no support that defendant, Hayes Thompson, is at fault in the noncompliance with the trial court's order compelling his deposition, as there is no evidence of record that he had any knowledge of same. Therefore, the trial court abused its wide discretion in adjudicating defendant, Hayes Thompson, 100% at fault for causing the accident. Accordingly, the writ is granted, the portion of the June 11, 2018 judgment of the trial court adjudicating defendant, Hayes Thompson, 100% at fault for causing the accident is vacated, and the action is remanded to the trial court for further proceedings consistent herewith.

TMH
VGW

McClendon, J., concurs.

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DEPUTY CLERK OF COURT
FOR THE COURT