

**NORRIS "MICKEY"
DEARMON, SHAWN RIVERS,
JOHN ROPER, II, SHAWN
WHITE, AND DAVID BEXLAY**

VERSUS

**ST. ANN LODGING, L.L.C.,
D/B/A BOURBON ORLEANS
HOTEL AND QBE NORTH
AMERICA INSURANCE
GROUP**

* **NO. 2018-CA-0994**
* **COURT OF APPEAL**
* **FOURTH CIRCUIT**
* **STATE OF LOUISIANA**
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ATKINS, J., CONCURS WITH REASONS.

I agree with the majority’s opinion as to the result and hereby assign additional reasons why the reversal of summary judgment and remand is appropriate. Although the majority states that businesses have a duty to take reasonable precautions to protect customers from criminal acts, I further note that jurisprudence shows that hotels are required to exercise “a higher degree of care” to protect their guests. *Salafian v. Gabriel*, 2013-1399, pp. 6-7 (La. App. 4 Cir. 7/16/2014), 146 So.3d 753, 756-57, writ denied, 2014-1733 (La. 11/7/14), 152 So.3d 179 (citing *Kraaz v. LaQuinta Motor Inns, Inc.*, 410 So.2d 1048, 1053 (La. 1982)); *Landry v. St. Charles Inn, Inc.*, 446 So.2d 1246, 1249 (La. App. 4 Cir. 1984); *Banks v. Hyatt Corp.*, 722 F.2d 214 (5th Cir. 1984). The relationship between a hotel owner and its guest is a special one that is similar to the relationship between a common carrier and a passenger. *Salafian, supra; Landry, supra; Banks, supra*. The “higher degree of care” required of a hotel owner is greater than the “ordinary or reasonable care to protect their guests against injury by third persons.” *Banks, supra*. A hotel owner has a “duty to take reasonable precautions against criminals,” which includes taking “reasonable precautions to deter the type of criminal activity which resulted in a guest’s injury.” *Salafian, supra; Landry, supra; Banks, supra*.

As the majority notes, the Hotel's security officers had knowledge of the suspicious persons and that there was a potential for criminal activity. Despite such knowledge, the Hotel failed to provide adequate protection for their guests or implement precautions to deter the criminal activity that resulted in the guests' injuries. Therefore, the Hotel failed to exercise a higher degree of care to protect its guests from criminal activity.

For these additional reasons, I concur with the majority's opinion.