

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ALTHEA HENRY

CIVIL ACTION

VERSUS

NO. 12-2978

WAL-MART STORES, INC.

SECTION "N" (5)

**ORDER AND REASONS**

Presently before the Court is the "Motion for Summary Judgment" filed by Defendant, Wal-Mart Stores, Inc. (Rec. Doc. 25). Having carefully considered the parties' supporting and opposing submissions (Rec. Docs. 25, 26, and 29),<sup>1</sup> **IT IS ORDERED** that Defendant's motion is **GRANTED** for essentially the reasons stated in Defendant's original and reply memoranda (Rec. Docs. 25 and 29). Accordingly, **IT IS FURTHER ORDERED** that the tort claims asserted herein by Plaintiff, Althea Henry, are **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 8<sup>th</sup> day of October 2013.



**KURT D. ENGELHART**  
United States District Judge

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<sup>1</sup> As an aside, the Court notes that, on September 11, 2013, the docket clerk marked Plaintiff's submitted memorandum in opposition (Rec. Doc. 26) as "Deficient," because it is not accompanied by the separate statement of material facts required by Local Rule 56.2. The deficiency notice instructed Plaintiff to re-file the opposition memorandum in its entirety within seven (7) calendar days. The record does not reflect that Plaintiff ever cured this deficiency. This deficiency was not a consideration, however, in the Court's decision to grant Defendant's motion. Rather, as stated by Defendant, Plaintiff has put forth no evidence reflecting the existence of a triable issue relative to the elements of a "trip and fall" claim governed by the provisions of La. R.S. 9:2800.6.