

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**ROBERT PARKER, ET AL.,
Plaintiffs**

CIVIL ACTION

VERSUS

NO. 15-2123

**NGM INSURANCE COMPANY, ET AL.,
Defendants**

SECTION: "E" (3)

ORDER AND REASONS

Before the Court is a motion for partial summary judgment filed by Plaintiffs Robert Parker and Krista Elaine Parker.¹ Plaintiffs seek a ruling that the *Housley* presumption applies and that, as a result, Plaintiffs are entitled to summary judgment as to causation.² The motion is opposed.³ For the reasons that follow, the motion is **DENIED**.

In *Housley v. Cerise*, the Louisiana Supreme Court established a presumption to aid plaintiffs in negligence cases.⁴ The presumption applies if the plaintiff(s) can establish that: (1) he or she was in good health prior to the accident; (2) subsequent to the accident, symptoms of the alleged injury appeared and continuously manifested themselves thereafter; and (3) there is a reasonable possibility that a causal connection exists between the accident and the alleged injury.⁵

As the Court held previously, whether Robert Parker's personal injuries were caused by the accident-in-question is disputed, as the Defendants have evidence suggesting that Parker's injuries pre-existed the accident. As a result, material issues of

¹ R. Doc. 50.

² *Id.* at 1, 10.

³ R. Doc. 63.

⁴ *Housley v. Cerise*, 579 So. 2d 973 (La. 1991).

⁵ *Id.* at 980.

fact remain in dispute with respect to whether Robert Parker was in good health prior to the accident and whether he suffered any personal injuries as a result of the accident.

CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that Plaintiffs' motion for partial summary judgment on causation be and hereby is **DENIED**.⁶

IT IS FURTHER ORDERED that the Defendants' motion to strike "Exhibit B" to Plaintiffs' motion, as well as Defendants' motion for expedited consideration of the motion to strike,⁷ be and hereby are **DENIED AS MOOT**.

New Orleans, Louisiana, this 12th day of May, 2016.

Susie Morgan

SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

⁶ R. Doc. 50.

⁷ R. Docs. 61, 62.