

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MANDY CHERAMIE

CIVIL ACTION

VERSUS

NO. 19-1230

PINNACLE ENTERTAINMENT, INC.

SECTION M (4)

ORDER & REASONS

Before the Court is a motion by defendants Pinnacle Entertainment, Inc. (“Pinnacle”) and Louisiana-I Gaming, a Louisiana Partnership in Commendam (“Louisiana-I”) (collectively, “Defendants”) for summary judgment.¹ Plaintiff Mandy Cheremie responds in opposition.²

This case concerns a slip-and-fall accident at Boomtown Casino in Harvey, Louisiana. Cheremie filed this suit against Pinnacle alleging that Pinnacle owned and operated Boomtown Casino, and that she slipped and fell in the casino’s bathroom due to a large amount of water on the floor.³ Cheremie filed an amended complaint adding Louisiana-I as a defendant and alleging that it owned and operated Boomtown Casino.⁴ At her deposition, Cheremie testified that, when she slipped on the water, she grabbed the stall door to steady herself and it broke, hitting her in the face, which caused her fall.⁵

Defendants filed the instant motion for summary judgment arguing that Cheremie’s claims against Pinnacle must be dismissed because Louisiana-I, not Pinnacle, is Boomtown Casino’s owner and operator.⁶ A premises liability claim cannot be sustained against a defendant that does not own, operate, or have control over the maintenance of the premises

¹ R. Doc. 24.

² R. Doc. 32. Cheremie contends that the motion should be denied because it was not filed timely in accordance with the Court’s scheduling order. The Court will not address this argument since it otherwise denies the motion.

³ R. Doc. 1-2 at 3-4.

⁴ R. Doc. 15.

⁵ R. Doc. 24-3 at 34-35.

⁶ R. Doc. 24-1 at 6-8.


where an injury is claimed to have occurred. *See Cormier v. Marriott Int'l*, 2019 WL 5785001, at *4 (E.D. La. Nov. 6, 2019). As explained in the affidavit of Elliot D. Hoops, vice president and deputy general counsel of Pinnacle's parent company, Louisiana-I owns and operates Boomtown Casino, and Pinnacle is the sole member of the limited liability companies that make up Louisiana-I.⁷ Under Louisiana law, the members of a limited liability company ("LLC") are not liable for the LLC's debts. La. R.S. 12:1320. Cheramie has not provided any evidence to controvert Hoops's affidavit. Therefore, summary judgment in favor of Pinnacle is warranted.

However, having reviewed the parties' memoranda, the record, and the applicable law, the Court finds that summary judgment is not warranted at this time on the merits of Cheramie's claims against Louisiana-I because there are disputed issues of material fact, and inferences to be drawn from such fact, that would be informed by testimony and other evidence to be developed at trial.

Accordingly, for the foregoing reasons,

IT IS ORDERED that Defendants' motion for summary judgment (R. Doc. 24) is GRANTED as to dismissing with prejudice Cheramie's claims against Pinnacle, and DENIED as to dismissing Cheramie's claims against Louisiana-I.

New Orleans, Louisiana, this 19th day of December, 2019.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE

⁷ R. Doc. 24-4 at 1-2.