

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ALEX ARCENEUX

CIVIL ACTION NO. 3:11-cv-00423-SDD-SCR

VERSUS

JUDGE SHELLY D. DICK

LEXINGTON INSURANCE
COMPANY, ET AL.

MAGISTRATE STEPHEN C. RIEDLINGER

RULING AND ORDER ON MOTION FOR PARTIAL SUMMARY JUDGMENT

This matter is before the Court pursuant to a *Motion for Partial Summary Judgment* filed on behalf of the Plaintiff, Alex Arceneaux, (Rec. Doc. No. 24) regarding liability. Defendants oppose Plaintiff's motion (Rec. Doc. No. 30).

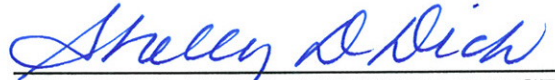
The facts set forth in the Plaintiff's *Statement of Undisputed Facts* (Rec. Doc. No. 24-1) are contested by the Defendants. Federal Rule of Civil Procedure 56(C)(1) requires that purported to be undisputed facts be supported by citation to "particular parts of materials in the record". Even if the Court assumes that the Plaintiff's *Statement of Undisputed Facts* is supported by the record of this matter, summary judgment will nonetheless be denied.

There exists a material issue of fact as to the cause of the subject collision. The location of the point of impact remains in dispute. Additionally, the Defendant cites evidence that one of the points of impact was to the left rear bumper of the Defendant's vehicle, which evidence raises a material question of fact as to liability.

The Court finds that the Defendants presented specific facts which establish a genuine dispute as to the acts and or omissions which caused the subject collision. Accordingly, the

Plaintiff's *Motion for Partial Summary Judgment* (Rec. Doc. No. 24) is DENIED.

Baton Rouge, Louisiana, on the 3 day of June, 2013.



**SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**