

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

EDVISORS NETWORK, INC.

CIVIL ACTION

VERSUS

NO. 14-62-JWD-RLB

CLINT HUSSER, ET AL.

RULING AND ORDER

This matter is before the Court on the Motion for Summary Judgment or, Alternatively, for Partial Summary Judgment (R. Doc. 20) filed by Defendants, Clint Husser and Jan E. Husser (the “Hussers”). Plaintiff Edvisors Network, Inc. (“Edvisors”) opposes the motion. (R. Doc. 22). No oral argument is necessary.

Considering the law and facts in the record, the Hussers’ motion is denied. Edvisors has raised a genuine issue of material fact that their consent to the Insertion Order Agreement was vitiated by fraud. Specifically, reasonable minds could conclude from Edvisors’ evidence that:

- (1) the Hussers made a misrepresentation through the fraudulent leads;
- (2) the Hussers did so to obtain an unjust advantage over Edvisors (namely, to obtain more proceeds under the Agreement);
- (3) that the error induced by the fraudulent leads related to circumstances substantially influencing Edvisors’ consent to contract (specifically, that Edvisors would not have entered into the Insertion Order Agreement had it known of the fraudulent activities);
and
- (4) Edvisors could not have ascertained the truth without difficulty, inconvenience, or special skill because, while Edvisors may have been aware of some anomalies with

the leads, it required special skill (in particular, the Calvert report), to conclude that the leads were in fact fraudulent.

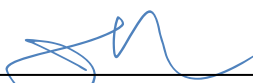
Thus, the Court denies the Hussers' motion for summary judgment as to Edvisors' claims related to the Insertion Order Agreement.

Further, the Hussers mention in their motion that they seek the dismissal of all of Edvisors' remaining claims, but they provide no analysis beyond the Insertion Order Agreement. Because of the above findings related to fraud vitiating consent, and because the Hussers have failed to meet their initial burden of showing that there is no genuine issue of material fact as to Edvisors' other claims, the Court denies the Hussers' motion on Edvisors' remaining issues.

Accordingly,

IT IS ORDERED that the Motion for Summary Judgment or, Alternatively, for Partial Summary Judgment (R. Doc. 20) filed by Defendants, Clint Husser and Jan E. Husser is **DENIED**.

Signed in Baton Rouge, Louisiana, on July 20, 2015.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA