

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2008 CA 2481

FREDERINA WILLIAMS

VERSUS

COMMERCIAL PROPERTIES MANAGEMENT AND NATIONAL FIRE
INSURANCE COMPANY OF HARTFORD

Judgment Rendered: JUN 19 2009

APPEALED FROM THE NINETEENTH JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
DOCKET NUMBER C562592, DIVISION 26

THE HONORABLE KAY BATES, JUDGE

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National Fire Insurance Company of
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Management

BEFORE: PETTIGREW, McDONALD, HUGHES, JJ.

J. J. Pettigrew, J. concurs

McDONALD, J.

In this case the plaintiff, Frederina Williams, is an employee of the State of Louisiana Office of Group Benefits, located on Florida Boulevard in Baton Rouge. Ms. Williams is an eligibility supervisor for Group Benefits. On January 25, 2007, while walking through the Group Benefits office parking lot, Ms. Williams fell and was injured.

Thereafter, Ms. Williams filed suit for damages against the owner of the lot, Commercial Properties Management and its insurer, National Fire Insurance Company of Hartford, asserting that the cause of the accident was the negligence of and insufficient maintenance and repair of the parking lot by Commercial Properties Management.

Thereafter, National Fire Insurance Company of Hartford filed a motion for summary judgment, asserting that the cracks in the concrete of the parking lot, shown in a picture taken in the area where Ms. Williams fell, were the typical thin cracks found in broad expanses of concrete, and did not present an unreasonable risk of harm. After a hearing on the motion for summary judgment, the trial court found that Ms. Williams had traversed the parking lot daily prior to the accident and that the cracks in the concrete were an open and obvious condition. The trial court granted the motion for summary judgment and dismissed Ms. Williams' suit. Ms. Williams has appealed that judgment.

In determining whether summary judgment is appropriate, appellate courts conduct a *de novo* review of the evidence, employing the same criteria that govern the district court's determination of whether summary judgment is appropriate. **Bowman v. City of Baton Rouge/Parish of East Baton Rouge**, 2002-1376 (La. App. 1 Cir. 5/9/03), 849 So.2d 622, 626, writ denied, 2003-1579 (La. 10/3/03), 855 So.2d 315. Summary judgment shall be rendered if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if

any, show that there is no genuine issue as to material fact, and that mover is entitled to judgment as a matter of law. La. C.C.P. art. 966 B.

After a *de novo* review of the case, we find no genuine issue of material fact that the condition of the parking lot did not create an unreasonable risk of harm, and find that mover is entitled to judgment as a matter of law. Thus, we affirm the trial court judgment. Ms. Williams is cast with costs. This judgment is issued in accordance with the Uniform Rules, Courts of Appeal, Rule 2-16.1.B.

AFFIRMED.