

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

DEBBIE WALLACE, INDIVIDUALLY
AND ON BEHALF OF HER MINOR
SON, JAMES WALLACE

NO. 2013 CW 1294

VERSUS

J.P. MORGAN CHASE NATIONAL
SERVICES, INC., BANK OF
AMERICA, NATIONAL
ASSOCIATION, AND RENEE
LOCACERA

NOV 08 2013

In Re: Bank of America, National Association, applying for
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 611,019.

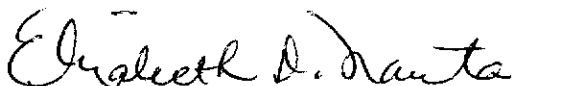
BEFORE: KUHN, GUIDRY, PETTIGREW, HIGGINBOTHAM, AND THERIOT, JJ.

WRIT GRANTED. The trial court's June 24, 2013 ruling denying the motion for summary judgment filed by defendant, Bank of America, National Association, is reversed. The defendant pointed out to the district court, in its motion, that there is an absence of factual support to prove that the defendant acted with knowledge of the falsity of its communication or with reckless disregard for the truth. Regardless of whether the defendant's communications are protected by an absolute or conditional privilege, the plaintiffs have failed to produce factual support sufficient to establish that they will be able to satisfy their evidentiary burden of proof at trial and, thus, there is no genuine issue of material fact, pursuant to La. Code Civ. P. art. 966C(2). Accordingly, judgment is hereby rendered granting the motion for summary judgment and dismissing the plaintiffs' claims against the defendant, with prejudice.

**MRT
JEK
JMG
JTP**

Higginbotham, J., dissents and would deny the writ on the showing made.

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DEPUTY CLERK OF COURT
FOR THE COURT