

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

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

NO. 2013 CW 1297

VERSUS

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

NOV 08 2013

In Re: J.P. Morgan Chase, N.A. and Renee Locacera¹, 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, J.P. Morgan Chase, N.A., and its branch manager, defendant Renee Locacera, is reversed. The defendants pointed out to the district court, in their motion, that there is an absence of factual support to prove that the defendants acted with knowledge of the falsity of the communication of Renee Locacera or with reckless disregard for the truth. Regardless of whether the communication is 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 defendants, 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

¹ Relators assert in their writ that Renee Loracano is the correct spelling and that Ms. Loracano's name incorrectly appears as "Renee Locacera" in the petition. Her name appears in the deposition transcript as "Jacqueline Renee Loiacono."