

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JANE DOE

NO. 2014 CW 0463

VERSUS

705, INC., CHARLES E. SCOTT,
JR., AND CARL E. DUFFIELD,
III

JUN 03 2014

In Re: 705, Inc., d/b/a Bogie's Bar, applying for supervisory writs, 23rd Judicial District Court, Parish of Ascension, No. 105374.

BEFORE: PARRO, GUIDRY, McCLENDON, WELCH AND DRAKE, JJ.

WRIT GRANTED. The judgment of the trial court dated February 3, 2014, denying the defendant, 705, Inc.'s, motion for summary judgment is reversed and the judgment is granted. The plaintiff has failed to produce factual support sufficient to establish that she will be able to satisfy her evidentiary burden of proof at trial that the defendant breached its duty to refrain from or not allow the serving of alcohol to an underage patron and that said breach was the cause-in-fact and legal cause of the damages asserted herein; therefore, there is no genuine issue of material fact. See La. Code Civ. P. art. 966(C)(2); **Berg v. Zummo**, 2000-1699 (La. 4/25/01), 786 So.2d 708.

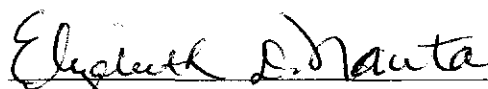
EGD
RHP

McClendon, J., concurs.

Welch, J., concurs. The plaintiff failed to produce factual support sufficient to establish that defendant's breach as set forth in plaintiff's petition and affidavits was a cause in fact and/or legal cause of plaintiff's damages.

Guidry, J., dissents.

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT