

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

NICK A. VACCARO, JR. AND
LINDA VACCARO

NO. 2014 CW 1230

VERSUS

NATIONAL FIRE INSURANCE
COMPANY OF HARTFORD,
DOLGENCORP D/B/A DOLLAR
GENERAL STORE #07146, THE
ESTATE OF VICK A. MANDELLA,
SR., INEZ PAGE MANDELLA,
VICK A. MANDELLA, JR., AND
THE COCA-COLA COMPANY

OCT 21 2014

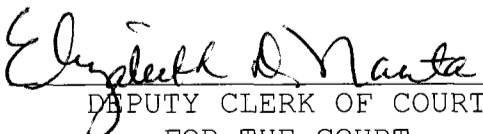
In Re: Dolgencorp, LLC d/b/a Dollar General, The Estate of Vick A. Mandella, Sr., Inez Page Mandella, Vick A. Mandella, Jr. and National Fire Insurance Company of Hartford, applying for supervisory writs, 21st Judicial District Court, Parish of Tangipahoa, No. 2012-0003781.

BEFORE: PARRO, McDONALD AND CRAIN, JJ.

WRIT GRANTED. Pursuant to a de novo review, we find that defendants, National Fire Insurance Company of Hartford, Dolgencorp., LLC d/b/a Dollar General Store #07146, The Estate of Vick A. Mandella, Sr., Inez Page Mandella and Vick A. Mandella, Jr., met their initial burden on summary judgment by pointing out an absence of factual support for one or more essential elements of plaintiffs' case. We find that the burden shifted to plaintiffs, Nick and Linda Vaccaro, and they failed to produce factual support sufficient to establish that they will be able to satisfy their evidentiary burden of proof at trial. La. Code Civ. P. art. 966. Accordingly, the writ is granted and the July 8, 2014 judgment denying defendants' motion for summary judgment is reversed. We grant summary judgment in favor of defendants and dismiss plaintiffs' claims against them with prejudice.

**WJC
RHP
JMM**

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