

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

PATRICK LASALLE

NO. 2014 CW 1750

VERSUS

STEPHEN ORLANDO

MAR 30 2015

In Re: Stephen Orlando, applying for supervisory writs, 16th Judicial District Court, Parish of St. Mary, No. 125969.

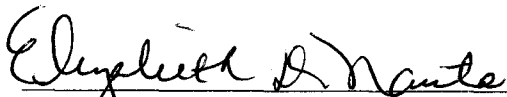
BEFORE: GUIDRY, PETTIGREW, McCLENDON, WELCH AND THERIOT, JJ.

WRIT GRANTED. The judgment of the district court dated November 17, 2014, denying the defendant, Stephen Orlando's, motion for partial summary judgment is reversed and the judgment is granted and plaintiff, Patrick LaSalle's, claim against defendant, Stephen Orlando, for exemplary damages under La. Civ. Code art. 2315.4 is dismissed. The plaintiff, Patrick LaSalle, has failed to produce factual support sufficient to establish that he will be able to satisfy his evidentiary burden of proof at trial that the defendant was intoxicated at the time of the May 4, 2012 incident at issue in this matter; therefore, there is no genuine triable issue of material fact on the issue of exemplary damages under La. Civ. Code art. 2315.4. See La. Code Civ. P. art. 966(C)(2).

JEW
MRT
PMc

Guidry, J. and Pettigrew, J., dissent and would deny the writ.

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DEPUTY CLERK OF COURT
FOR THE COURT