

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

LESLIE P. WILBERT, ET UX.

NO. 2015 CW 0130

VERSUS

HARTFORD INSURANCE COMPANY  
A/K/A PROPERTY AND CASUALTY  
INSURANCE COMPANY OF  
HARTFORD, ET AL.

**MAR 27 2015**

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In Re: Steve and Shirley May and Property and Casualty  
Insurance Company of Hartford, applying for  
supervisory writs, 23rd Judicial District Court,  
Parish of Ascension, No. 106416.

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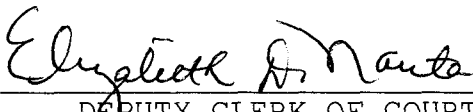
**BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.**

**WRIT DENIED.**

**VGW**  
**TMH**

**McClendon, J.**, dissents and would grant the writ. A review of the minor's deposition establishes that any risk associated with the use of the trampoline under these facts was open and obvious to her. See **Broussard v. State ex rel. Office of State Bldgs.**, 2012-1238 (La. 4/5/13), 113 So.3d 175. Therefore, I believe the movers met their burden of demonstrating an absence of factual support for the duty element that is essential to plaintiffs' negligence claims. La. Code Civ. P. art. 966(C)(2).

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT