

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

CLINTON BOE AND LORI BOE

NO. 2015 CW 0688

VERSUS

STATE OF LOUISIANA THROUGH
THE DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT, ELBERT L.
CLEMENS AND USAGENCIES
CASUALTY INSURANCE COMPANY

SEP 09 2015

In Re: State of Louisiana, through the Department of
Transportation and Development, applying for
supervisory writs, 23rd Judicial District Court,
Parish of Ascension, No. 82,359.


BEFORE: WHIPPLE, C.J., WELCH AND DRAKE, JJ.

WRIT DENIED.

EGD
VGW

Welch, J., dissents and would grant the State of Louisiana through the Department of Transportation's motion for summary judgment. I am of the belief that the Department of Transportation and Development carried its summary judgment burden proving no genuine issue of material fact remains as to the condition of the shoulder of Hwy. 431, at the site of the incident at issue. I believe the condition of the shoulder was not the cause-in-fact of Deputy Clinton Boe's injuries nor did the State have notice of the shoulder's condition.

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DEPUTY CLERK OF COURT
FOR THE COURT