

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

HOWARD BROWN

NO. 2015 CW 1441

VERSUS

CIRCLE K STORES, INC.

**NOV 18 2015**

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In Re: Circle K Stores, Inc., applying for supervisory writs,  
City Court of Plaquemine, Parish of Iberville, No.  
14079.

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**BEFORE: GUIDRY, HOLDRIDGE AND CHUTZ, JJ.**

**WRIT GRANTED.** The trial court's ruling of September 8, 2015, denying Circle K Stores, Inc.'s motion for summary judgment hereby is reversed and judgment is entered in its favor. Circle K pointed out an absence of factual support for Brown's negligence claim that its "hot" coffee created an unreasonably dangerous condition and Brown failed to demonstrate, through competent evidence, that he could carry his burden of proof at trial. La. Code Civ. P. art. 966(C)(2). Thus, there is no genuine issue of material fact and Circle K is entitled to judgment as a matter of law.

WRC  
JMG  
GH

COURT OF APPEAL, FIRST CIRCUIT



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DEPUTY CLERK OF COURT  
FOR THE COURT