

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

RELIABLE SOIL CO., INC. AND  
ANTHONY JAMES

NO. 2016 CW 0838

VERSUS

ERY D. GRIJALVA, CARLOS  
MARTINEZ, ECEQUIL MALDONDO  
AND NOE TEREZ

OCT 07 2016

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In Re: Carlos Martinez, applying for supervisory writs, 22nd  
Judicial District Court, Parish of St. Tammany, No.  
2014-13552.

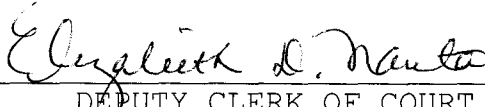
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**BEFORE: PETTIGREW, McDONALD AND DRAKE, JJ.**

**WRIT GRANTED.** The district court's April 27, 2016 judgment which denied the motion for summary judgment filed by defendant, Carlos Martinez, as to plaintiffs' negligence claims is reversed. Pursuant to La. Code Civ. P. art. 966(D)(1), once Mr. Martinez pointed out to the court the absence of factual support for one or more elements essential to plaintiffs' negligence claims, the burden was on plaintiffs to produce factual support sufficient to establish the existence of a genuine issue of material fact or that Mr. Martinez was not entitled to judgment as a matter of law. Plaintiffs herein produced no evidence to establish the existence of a genuine issue of material fact as to the negligence of Mr. Martinez, particularly with regard to whether his alleged conduct was a cause of this collision and whether he, as a guest passenger, had a duty to inspect or maintain the vehicle. Judgment is rendered in favor of defendant, Carlos Martinez, dismissing plaintiffs' claims against defendant, Carlos Martinez, with prejudice.

JTP  
JMM  
EGD

COURT OF APPEAL, FIRST CIRCUIT

  
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DEPUTY CLERK OF COURT  
FOR THE COURT