

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

RELIABLE SOIL CO., INC. AND
ANTHONY JAMES

NO. 2016 CW 0857

VERSUS

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

OCT 07 2016

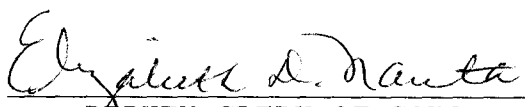
In Re: Ery Grijalva, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
2014-13552.

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, Ery D. Grijalva, as to plaintiffs' negligence claims is reversed. Pursuant to La. Code Civ. P. art. 966(D)(1), once Mr. Grijalva 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. Grijalva 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. Grijalva, 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, Ery D. Grijalva, dismissing plaintiffs' claims against defendant, Ery D. Grijalva, with prejudice.

JTP
JMM
EGD

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