

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

TOBIE CHAMPAGNE

NO. 2017 CW 0639

VERSUS

CITY OF BATON ROUGE/PARISH
OF EAST BATON ROUGE, D/B/A
THE EAST BATON ROUGE PARISH
ANIMAL CONTROL & RESCUE
CENTER AND THE EAST BATON
ROUGE PARISH ANIMAL CONTROL
& RESCUE CENTER

NOV 21 2017

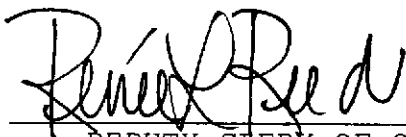
In Re: City of Baton Rouge/Parish of East Baton Rouge,
applying for supervisory writs, 19th Judicial District
Court, Parish of East Baton Rouge, No. 626743.

BEFORE: WHIPPLE, C.J., McDONALD, CRAIN, THERIOT AND CHUTZ, JJ.

WRIT GRANTED. The March 17, 2017 judgment denying summary judgment in favor of City of Baton Rouge, Parish of East Baton Rouge is reversed. The motion for summary judgment which sought to dismiss, with prejudice, plaintiff's claims against this defendant is granted. Applicant pointed out to the court an absence of factual support for all of the essential elements of plaintiff's claims. Thereafter, plaintiff failed to produce factual support sufficient to establish that she will be able to satisfy her evidentiary burden of proof at trial, particularly that she will be able to prove that the City/Parish had knowledge of and therefore a duty to warn plaintiff about the potential dangerousness of the dog, or that City/Parish is not entitled to judgment as a matter of law. La. Code Civ. P. art. 966. All claims asserted by plaintiff against the City of Baton Rouge, Parish of East Baton Rouge are hereby dismissed with prejudice.

VGW
JMM
WJC
MRT
WRC

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DEPUTY CLERK OF COURT
FOR THE COURT