

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

ALBERTA HITE

NO. 2017 CW 0826

VERSUS

JAMES FARMER, UV LOGISTICS,  
L.L.C. D/B/A UNITED VISION  
LOGISTICS, GEICO CASUALTY  
INSURANCE COMPANY

CONSOLIDATED WITH

KAYCI R. FRANCOIS, AS  
PROVISIONAL TUTRIX OF PAYTIN  
SIMON

VERSUS

JUDITH SAVOIE FARMER,  
APPOINTED SUCCESSION  
REPRESENTATIVE AND/OR  
EXECUTRIX OF THE SUCCESSION  
OF JAMES FARMER, AMERICAN  
FINANCIAL GROUP, INC. D/B/A  
GREAT AMERICAN INSURANCE  
COMPANY, UV LOGISTICS, L.L.C.  
D/B/A UNITED VISION  
LOGISTICS, GEICO CASUALTY  
INSURANCE COMPANY

**OCT 16 2017**

---

In Re: Kayci R. Francois, as Provisional Tutrix of Paytin  
Simon and Alberta Hite, applying for supervisory  
writs, 32nd Judicial District Court, Parish of  
Terrebonne, Nos. 175982 c/w 176986.

---

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

**WRIT GRANTED IN PART AND DENIED IN PART.** The trial court committed legal error in admitting the unsworn, out-of-court statement of James Farmer, relating the facts of the accident of April 25, 2015 to an insurance adjuster, into evidence on the Motion of Plaintiff's for Partial Summary Judgment on Liability. The statement is not permissible summary judgment evidence, under La. Code Civ. P. art. 966(A)(4) and 967(A) because it is unsworn and attached to the affidavit of Chrissie LeBlanc, who has no personal knowledge of the facts of the accident. As such, the statement was not authenticated. Furthermore, the statement constitutes hearsay and does not meet the residual exception, under La. Code Evid. art. 804(B)(6). Accordingly, the ruling of the trial court admitting the statement of James Farmer is hereby reversed. In all other respects, the writ is denied.

**JMM  
WRC  
JTP**

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT  
FOR THE COURT