

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

PATRICIA ISAAC

NO. 2017 CW 0840

VERSUS

BREC FOUNDATION

NOV 29 2017

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In Re: The Recreation and Park Commission for the Parish of East Baton Rouge, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 640555.

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**BEFORE: WHIPPLE, C.J., McDONALD AND CHUTZ, JJ.**

**WRIT GRANTED.** After conducting a *de novo* review, we conclude there is no genuine issue of material fact that the complained-of condition was obvious and apparent and reasonably safe for persons exercising ordinary care and prudence, and Defendant, The Recreation and Park Commission for the Parish of East Baton Rouge. La. Code Civ. P. art. 966(D)(1). See also **Bufkin v. Felipe's Louisiana, LLC**, 2014-0288 (La. 10/15/14), 171 So.3d 851. See also **Rodriguez v. Dolgencorp, LLC**, 2014-1725 (La. 11/14/14), 152 So.3d 871 (per curiam). The burden shifted to the Plaintiff, Patricia Isaac, to come forward with evidence to show that a duty was owed by the Defendant, The Recreation and Park Commission for the Parish of East Baton Rouge. Ms. Isaac failed to produce factual support sufficient to establish that she will be able to satisfy her evidentiary burden of proof at trial with respect to this essential element. See **Allen v. Lockwood**, 2014-1724 (La. 2/13/15), 156 So.3d 650 (per curiam). Accordingly, we hereby grant the writ application and reverse the judgment of the trial court signed on June 13, 2017, which denied the motion for summary judgment, and render judgment dismissing Ms. Isaac's claims against The Recreation and Park Commission for the Parish of East Baton Rouge with prejudice.

**JMM**  
**WRC**

**Whipple, J.**, concurs. The Plaintiff, Patricia Isaac, has failed to produce factual support sufficient to establish that she will be able to satisfy her evidentiary burden of proof at trial that the Defendant had actual or constructive notice of the particular vice or defect prior to the incident at issue; therefore, there is no genuine issue of material fact, and the Defendant is entitled to judgment as a matter of law. See La. Code Civ. P. art. 966(D)(1); La. R.S. 9:2800(C).

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT