

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ROY O. HARDIN, III AND ROSELYN A.
HARDIN

NO. 2019 CW 0021

VERSUS

PARISH OF ST. TAMMANY, CITY OF
MANDEVILLE, STEPHANIE JORDAN, ABC
INSURANCE COMPANY, DEF INSURANCE
COMPANY, XYZ INSURANCE COMPANY, AND
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

JUN 14 2019

In Re: St. Tammany Parish Government, applying for
supervisory writs, 22nd Judicial District Court,
Parish of St. Tammany, No. 2012-10569.

BEFORE: GUIDRY, THERIOT, AND PENZATO, JJ.

WRIT GRANTED. The portion of the district court's October 22, 2018 judgment that denied St. Tammany Parish Government's Motion for Summary Judgment is hereby reversed. St. Tammany Parish Government successfully demonstrated that it had no duty to protect against the bollard at issue in this case because it was open and obvious to all who may encounter it. See **Temple v. Morgan**, 2015-1159 (La. App. 1st Cir. 6/3/16), 196 So.3d 71, 78, writ denied, 2016-1255 (La. 10/28/16), 208 So.3d 889, citing **Bufkin v. Felipe's Louisiana, LLC**, 2014-0288 (La. 10/15/14), 171 So.3d 851, 856. Additionally, St. Tammany Parish Government established a prima facie case that it is entitled to recreational immunity pursuant to La. R.S. 9:2795. See **Webb v. Parish of St. Tammany**, 2006-0849 (La. App. 1st Cir. 2/9/07), 959 So.2d 921, 925, writ denied, 2007-0521 (La. 4/27/07), 955 So.3d 695. The burden then shifted to Roy O. Hardin, III and Roselyn A. Hardin to produce factual support sufficient to establish the existence of a genuine issue of material fact or that the mover is not entitled to judgment as a matter of law on both issues. La. Code Civ. P. art. 966(D)(1). The Hardins failed to meet that burden as to both the open and obvious doctrine and the applicability of recreational immunity. Therefore, St. Tammany Parish Government's Second Motion for Summary Judgment is granted, and Roy O. Hardin, III and Roselyn A. Hardin's claims against St. Tammany Parish Government are dismissed.

JMG
MRT
AHP

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FOR THE COURT