

**JOHN EDWARD LUDLOW,  
JR., ET AL.**

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**NO. 2014-C-1359**

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**COURT OF APPEAL**

**VERSUS**

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**FOURTH CIRCUIT**

**CRESCENT CITY  
CONNECTION MARINE  
DIVISION, ET AL.**

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**STATE OF LOUISIANA**

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**BONIN, J., DISSENTS WITH REASONS.**

I respectfully dissent. I find as a matter of law that the State of Louisiana owed no duty to Mr. Ludlow because the complained-of condition he encountered was open, obvious and apparent to everyone who might potentially encounter it. *See Bufkin v. Felipe's Louisiana, LLC*, 14-0288, p. 7 (La. 10/15/14), \_\_\_ So. 3d \_\_\_, 2014 WL 5394087; *see also Broussard v. State ex rel. Office of State Bldgs.*, 12-1238, p. 17 (La. 4/5/13), 113 So. 3d 175, 188. Concrete barriers were placed by the State on the ramp leading to the Canal Street-Algiers ferry, which crosses the Mississippi River, so that pedestrians and vehicles approaching and departing the ferry would not swerve off the ramp and fall about twenty feet onto the batture or into the river itself. No doubt about the social utility of these concrete barriers. *See Bufkin*, 14-0288, p. 6, \_\_\_ So. 3d at \_\_\_. Mr. Ludlow, however, perched (sat) on the barrier and, not unexpectedly (whether or not due to his intoxication), fell and severely injured himself. Mr. Ludlow's friend, who was deposed, admitted to doing this same kind of thing but recognized that it was dangerous. A defendant does not owe a duty to warn a foolish person about taking an obvious risk of danger to his safety. *See, e.g., Jimenez v. Omni Royal Orleans Hotel*, 10-1647, pp. 13-14 (La. App. 4 Cir. 5/18/11), 86 So. 2d 528, 535-536. I would reverse and dismiss the lawsuit with prejudice.