

**MIKE SMITH, HUSBAND  
OF/AND NANCY SMITH,  
TWILA SIMMONS AND  
GERARD ORDOYNE**

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**NO. 2023-C-0455  
  
COURT OF APPEAL  
  
FOURTH CIRCUIT  
  
STATE OF LOUISIANA**

**VERSUS**

**PIERRE ELLIS, WILBERT  
ELLIS, SIDDIQUE  
MUHAMMED, ALLSTATE  
INSURANCE COMPANY,  
AUTOMOBILE CLUB INTER-  
INSURANCE EXCHANGE AND  
JAMES RIVER INSURANCE  
COMPANY**

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**APPLICATION FOR WRITS DIRECTED TO  
CIVIL DISTRICT COURT, ORLEANS PARISH  
NO. 2019-01882, DIVISION "C"  
Honorable Sidney H. Cates, Judge**

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**Judge Tiffany Gautier Chase**

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**On Application for Rehearing**

(Court composed of Judge Paula A. Brown, Judge Tiffany Gautier Chase, Judge Dale N. Atkins)

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**REHEARING GRANTED; WRIT DENIED  
AUGUST 22, 2023**

*TGC*  
*PAB*  
*DNA*

On July 18, 2023 Relator, Muhammed Siddique (hereinafter “Mr. Siddique”), filed an application for supervisory writs seeking review of the trial court’s June 16, 2023 ruling denying his motion for summary judgment. Mr. Siddique’s writ application failed to contain a signed judgment and a signed notice of intent as required by Rules 4-2, 4-3, and 4-5, Uniform Rules, Courts of Appeal. This Court subsequently issued an order on July 18, 2023 requiring Mr. Siddique to supplement his writ application with a signed judgment and a signed notice of intent by July 26, 2023. Mr. Siddique failed to timely comply. Thus, the application for supervisory review was denied on July 28, 2023 for failing to comply with Rules 4-2, 4-3, and 4-5, Uniform Rules, Courts of Appeal.

On August 4, 2023, Mr. Siddique filed an application for rehearing of supervisory writs. The application for rehearing included a signed judgment of the trial court’s June 16, 2023 ruling. The application for rehearing also included a signed notice of intent. Thus, Mr. Siddique’s application for supervisory writs now

complies with Rules 4-2, 4-3, and 4-5, Uniform Rules, Courts of Appeal. Therefore, we hereby grant the application for rehearing of supervisory writs.

Mr. Siddique's application for supervisory writs seeks review of the trial court's June 16, 2023 ruling denying his motion for summary judgment. The underlying issue in the matter *sub judice* involves a two car accident on February 23, 2018 (hereinafter "the February accident"). Mr. Siddique, an Uber driver, and four guest passengers were involved in a car accident with Wilbert Ellis (hereinafter "Mr. Ellis").

Mr. Siddique file a motion for summary judgment averring he was not at fault for the February accident as his vehicle was struck when Mr. Ellis failed to yield. After reviewing the pleadings and evidence presented, the trial court determined that genuine issues of material fact exist as to Mr. Siddique's alleged fault in the February accident and denied the motion for summary judgment.

"Appellate courts review the grant or denial of a motion for summary judgment *de novo*, using the same criteria applied by the trial court to determine whether summary judgment is appropriate." *Chatelin v. Fluor Daniel Const. Co.*, 2014-1312, p.3 (La.App. 4 Cir. 11/10/15), 179 So.3d 791, 793. Our *de novo* review indicates that genuine issues of material fact exist as to fault. Finding that the trial court did not err, Mr. Siddique's application for supervisory writs is denied.

**REHEARING  
GRANTED;  
WRIT DENIED**