

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

**CW 04-1341  
consolidated with 04-1277**

**CHRISTOPHER HANDY, through his legally  
qualified tutrix, BARBARA HANDY and  
JONATHAN GAY, Individually**

**VERSUS**

**UNION PACIFIC RAILROAD COMPANY and  
RODNEY J. STUTES, JR.**

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**APPEAL FROM THE  
TWENTY-SEVENTH JUDICIAL DISTRICT COURT,  
PARISH OF ST. LANDRY, NO. 02-1045  
HONORABLE DONALD W. HEBERT, DISTRICT JUDGE**

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**MICHAEL G. SULLIVAN  
JUDGE**

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Court composed of Michael G. Sullivan, Glenn B. Gremillion, and J. David Painter,  
Judges.

**WRIT DENIED; SUMMARY JUDGMENT AFFIRMED  
IN PART; REVERSED IN PART; AND REMANDED.**

**Marcus A. Allen, Sr.  
Attorney at Law  
300 Garfield Street  
Lafayette, Louisiana 70501  
(337) 289-1762  
Counsel for Plaintiffs/Appellants:  
Christopher Handy  
Barbara Handy  
Jonathan Gay**

**Elena Arcos**  
**Davidson, Meaux, Sonnier & McElligott**  
**Post Office Box 2908**  
**Lafayette, Louisiana 70502-2908**  
**(337) 237-1660**  
**Counsel for Defendants/Appellees:**  
**Union Pacific Railroad Company**  
**Rodney J. Stutes, Jr.**

SULLIVAN, Judge.

For the reasons assigned in *Christopher Handy, et al. v. Union Pacific Railroad Company*, 04-1277 (La.App. 3 Cir. \_\_/\_\_/05), \_\_\_ So.2d \_\_\_, Plaintiffs' writ application on the issue of improper service is denied. The summary judgment granted by the trial court is affirmed only as to the issue of federal preemption of state law excessive speed claims, and is reversed as to all other issues. The case is remanded for further proceedings consistent with this opinion.

**WRIT DENIED; SUMMARY JUDGMENT AFFIRMED IN PART;  
REVERSED IN PART; AND REMANDED.**