

**STATE OF LOUISIANA  
COURT OF APPEAL, THIRD CIRCUIT  
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Judgment on rehearing rendered and mailed to all parties or counsel of record on May 26, 2021
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**REHEARING ACTION: May 26, 2021**

**Docket Number: 20 00233-CA**

**VICTOR BRUNO  
VERSUS  
BRD US, INC., ET AL.**

**Appealed from Lafayette Parish Case No. C-2015007**

**BEFORE JUDGES:**

**Hon. Shannon J. Gremillion  
Hon. Van H. Kyzar  
Hon. Candyce G. Perret**

As counsel of record in the captioned case, you are hereby notified that the application for rehearing filed by **Courtesy Automotive Group, Inc. and Courtesy Lincoln Sales Lafayette, LLC** has this day been

**GRANTED.** (See opinion on rehearing also rendered this date)

cc: Patrick Daniel, Counsel for the Appellant  
Rachel Deckelmann, Counsel for the Appellant  
Joseph George Glass, Counsel for the Appellee  
Andrew David Weinstock, Counsel for the Appellee  
Linda A. Hewlett, Counsel for the Appellee  
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Scott F. Higgins, Counsel for the Appellee

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

**20-233**

**VICTOR BRUNO**

**VERSUS**

**BRD US, INC., ET AL.**

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**APPEAL FROM THE  
FIFTEENTH JUDICIAL DISTRICT COURT  
PARISH OF LAFAYETTE, NO. C-2015007  
HONORABLE MARILYN CARR CASTLE, DISTRICT JUDGE**

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**ON REHEARING**

\*\*\*\*\*

**VAN H. KYZAR  
JUDGE**

\*\*\*\*\*

Court composed of Shannon J. Gremillion, Van H. Kyzar, and Candyce G. Perret,  
Judges.

**AFFIRMED AS AMENDED ON REHEARING.**

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Courtesy Automotive Group, Inc.  
Courtesy Lincoln Sales Lafayette, LLC**

**KYZAR, Judge.**

**ON APPLICATION FOR REHEARING**

The application for rehearing filed by the Defendants-Appellees, Courtesy Automotive Group, Inc. and Courtesy Lincoln Sales Lafayette, Inc., (collectively “Courtesy”) is granted without further argument for the singular purpose of effecting an amendment to our original opinion. Therein we reversed a decision of the trial court granting summary judgment in favor of Defendants, Courtesy, remanding the case to the trial court for further proceedings. In the opinion we referred to Mr. Eric Simon as a former employee of Courtesy. Defendant argues that this statement is not supported by the record before the court in support of or in opposition to the motion for summary judgment. We agree that the language is in error in that the record reflects, through the affidavit of Courtesy employee Shirley Lebreton, who was an employee of Courtesy, that it was Mr. Simon’s then wife Michelle Hargroder Simon who was the employee of Courtesy at the time the dealership was invoiced for the change of tires on the Can Am vehicle via G & H Tire. Thus, we amend our original opinion to so reflect. Any reference to Mr. Simon as an employee or former employee of Courtesy is thus amended to reflect that it was his former wife who was an employee of Courtesy. In all other respects, we affirm the opinion previously rendered by this court.

**DECREE**

Rehearing is granted for the limited purpose of reflecting that it was Mr. Eric Simon’s now ex-wife, Michelle Hargroder Simon, who is the sister to the general manager for Courtesy, who was the actual employee of Courtesy at the time that the tires to the Can Am vehicle were replaced and charged to G & H tire through the dealership, Courtesy, rather than Mr. Simon himself.

The original opinion of this court, as amended herein, is reaffirmed in all other respects, the judgment of the trial court having been reversed and remanded for further proceedings consistent herewith.

**AFFIRMED AS AMENDED ON REHEARING.**