

Bond Case Briefs

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LIABILITY - LOUISIANA

Barnett v. City of Baton Rouge

Court of Appeal of Louisiana, First Circuit - October 31, 2016 - So.3d - 2016 WL 6426460 - 2016-0222 (La.App. 1 Cir. 10/31/16)

Motorist filed an action for personal injuries against city and parish, through the Department of Public Works, after overhead school zone traffic control signal crashed on the front of motorist's vehicle and into his windshield.

The District Court granted the Department of Public Works summary judgment. Motorist appealed.

The Court of Appeal held that a genuine issue of material fact existed as to whether the Department of Public Works created the defective condition that caused school zone traffic control signal to fall onto motorist's vehicle.

A genuine issue of material fact existed as to whether the Department of Public Works created the defective condition that caused school zone traffic control signal to fall onto motorist's vehicle and into his windshield by its own substandard conduct in selecting and installing a potentially deficient sign, precluding summary judgment in motorist's personal injury action against city and parish, through the Department of Public Works.