

# New Case Decisions in Louisiana – October 2012

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## **Class Action/Mass Tort Litigation**

In *Doe v. Southern Gyms, LLC*, 92 So.3d 654 (La. App. 3<sup>rd</sup> Cir. 6/6/12) a defendant appealed certification of a class by the trial court, alleging the trial court had abused its discretion by certifying the class. The suit arose when a female gym patron had sued the gym, an employee, and the gym's insurer after a camera was found in the women's locker room. Other plaintiffs joined in the suit alleging common causes of action. In upholding certification, the Appellate Court reasoned that it will only decertify a class upon the abuse of discretion by the trial judge.

## **Third Party Criminal Acts**

In *Jones v. Johnson*, 2012 WL 3525657 (La. App. 1<sup>st</sup> Cir. 8/15/12) plaintiff appealed a trial court ruling that granted Summary Judgment in favor of the St. Tammany Sheriff's Department and Fontainebleau State Park. Plaintiff sustained injuries in a rented area of the park where the St. Tammany Sheriff's Department was providing security for a party there earlier that night. A fight broke out after the security shift had ended. The Court held that since the fight was not foreseeable, the defendants did not owe a duty of care to the plaintiff.

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Louisiana Case Notes