

New Orleans Attorney Jeffery Struckhoff Gets Favorable Opinion From Court of Appeal Affirming Summary Judgment for Insurer Under Immunity Statute

Jeffery Struckhoff from the New Orleans office, along with other attorneys, recently received an Opinion from the Louisiana Fourth Circuit Court of Appeal. The district court granted their Motion for Summary Judgment and the Court of Appeal affirmed in a very favorable opinion.

They represented an insurance company, which insured a company that contracted with the Plaquemines Parish Government for canal dredging and debris removal in the aftermath of Hurricane Katrina. The issue was whether the insured (and, by extension, their client) had immunity under La. R.S. 9:2800.17, a statute that the Legislature passed in 2006, from claims that it negligently dredged a canal and caused damage to plaintiffs' property located next to the canal. The Court ruled that their client (and the other defendants) were immune because plaintiffs failed to present any evidence that their dredging activities rose to the level of gross negligence – which provides the only exception to immunity under this statute. This is one of the few appellate court decisions addressing this immunity statute.

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