

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

Arlette Thomas v. Wal-Mart Louisiana, LLC

Thomas · No. 6:25-cv-00344 · Decided January 28, 2026

SUMMARY

The United States District Court for the Western District of Louisiana granted Wal-Mart Louisiana, LLC’s motion for summary judgment in a slip-and-fall action brought under the Louisiana Merchant Liability Act. The court held that the plaintiff presented no evidence that Walmart created the hazardous condition or had actual or constructive notice of it before the accident.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	David C. Joseph
JURISDICTION	United States District Court for the Western District of Louisiana, Lafayette Division
DECIDED	January 28, 2026
DOCKET	6:25-cv-00344
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment in a removed diversity action arising from a slip-and-fall accident. Plaintiff filed no opposition. The court independently reviewed the record and granted the motion.
STANDARD OF REVIEW	Summary judgment is appropriate when the record shows no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The movant bears the initial burden of showing the absence of a genuine dispute, after which the nonmovant must identify specific supporting evidence. The court construes facts and reasonable inferences in favor of the nonmoving party and may not grant summary judgment solely because the motion is unopposed.
PRECEDENTIAL VALUE	unpublished federal district court memorandum ruling; generally nonprecedential

PARTIES

Arlette Thomas v. Wal-Mart Louisiana, LLC

TOPICS

premises liability

negligence

summary judgment

duty of care

civil procedure

PRACTICE AREAS

premises liability

negligence

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evidence

QUESTIONS PRESENTED

1. Whether Wal-Mart was entitled to summary judgment on Thomas's Louisiana Merchant Liability Act claim because the record contained no evidence that Wal-Mart created or had actual or constructive notice of the hazardous condition before the accident.
2. Whether the court could grant summary judgment despite Thomas's failure to oppose the motion.

HOLDINGS

1. A court may not grant summary judgment merely because the motion is unopposed; it must review the record and determine whether the movant has shown entitlement to judgment as a matter of law and the absence of a genuine dispute of material fact.
2. Wal-Mart was entitled to summary judgment because Thomas presented no evidence that Wal-Mart created the hazardous condition or had actual or constructive notice of it before the accident.

KEY QUOTATIONS

“Nevertheless, it is improper to simply grant the instant Motion as unopposed.”

“The burden of proof does not shift to the defendant at any point, and failure to prove any one of these elements negates a plaintiff’s cause of action.”

“The statute does not allow for the inference of constructive notice absent some showing of this temporal element.”

FACTUAL BACKGROUND

On February 14, 2024, Arlette Thomas slipped and fell in a Walmart store in New Iberia, Louisiana, allegedly after stepping in a puddle of a wet, slippery substance. Thomas did not know how the substance came to be on the floor, how long it had been there, whether another customer had slipped on it, or whether a Walmart employee knew of it before the accident. Surveillance video did not show a prior incident or establish the existence or duration of the substance before the fall.

PROCEDURAL HISTORY

Plaintiff filed suit in the 16th Judicial District Court for Iberia Parish on February 11, 2025, asserting negligence claims under the Louisiana Merchant Liability Act. Defendant removed the action to the Western District of

Louisiana on March 19, 2025, based on diversity jurisdiction, and moved for summary judgment on December 23, 2025. Plaintiff did not respond, and the federal court granted summary judgment after reviewing the available evidence rather than treating the motion as automatically conceded.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 323–24 (1986)
- Hefren v. McDermott, Inc., 820 F.3d 767, 771 (5th Cir. 2016)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 255 (1986)
- Hongo v. Goodwin, 781 F. App'x 357, 359 (5th Cir. 2019)
- Duffie v. United States, 600 F.3d 362, 371 (5th Cir. 2010)
- Johnson v. Deep E. Tex. Reg'l Narcotics Trafficking Task Force, 379 F.3d 293, 301 (5th Cir. 2004)
- Acker v. Gen. Motors, L.L.C., 853 F.3d 784, 788 (5th Cir. 2017)
- Oliver v. Scott, 276 F.3d 736, 744 (5th Cir. 2002)
- Deshotel v. Wal-Mart La., L.L.C., 850 F.3d 742, 745 (5th Cir. 2017)
- Condrey v. Suntrust Bank of Ga., 431 F.3d 191, 197 (5th Cir. 2005)
- Servicios Azucareros de Venezuela, C.A. v. John Deere Thibodeaux, Inc., 702 F.3d 794, 806 (5th Cir. 2012)
- Johnson v. Pettiford, 442 F.3d 917, 918 (5th Cir. 2006) (per curiam)
- John v. State of La. (Bd. of Trs. for State Colls. and Univs.), 757 F.2d 698, 709 (5th Cir. 1985)
- Clifton v. Famous Bourbon Mgmt. Grp., Inc., 762 F. Supp. 3d 480, 488 (E.D. La. Jan. 15, 2025)
- Moore v. State Farm Fire & Cas. Co., 556 F.3d 264, 269 (5th Cir. 2009)
- Erie R.R. Co. v. Tompkins, 304 U.S. 64, 78 (1938)
- Melancon v. Popeye's Famous Fried Chicken, 59 So. 3d 513, 515 (La. App. 3d Cir. 2011)
- White v. Wal-Mart Stores, Inc., 699 So. 2d 1081, 1082, 1084, 1086 (La. 1997)
- Ferrant v. Lowe's Home Ctrs., Inc., 494 F. App'x 458, 460 (5th Cir. 2012)
- Zeringue v. Wal-Mart Stores, Inc., 62 So. 3d 276, 279 (5th Cir. 2011)
- Bagley v. Albertsons, Inc., 492 F.3d 328, 330 (5th Cir. 2007)
- Allen v. Wal-Mart Stores, Inc., 850 So. 2d 895, 898–99 (La. App. 2d Cir. 2003)
- Donaldson v. Sam's E., Inc., 2021 WL 4898724, at *4
- Mills v. Cyntreniks Plaza, L.L.C., 182 So. 3d 80, 84 (La. App. 1st Cir. 2015)
- Peterson v. Brookshire Grocery Co., 751 F. App'x 533, 535 (5th Cir. 2018)