

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
LOUISIANA

Renetta Bell v. Walmart, Inc., et al.

Bell v. Walmart · No. No. 24-102-JWD-SDJ · Decided December 8, 2025

SUMMARY

The United States District Court for the Middle District of Louisiana grants Crossmark, Inc.'s motion to dismiss claims brought by Renetta Bell in a slip-and-fall action. The court holds that Bell failed to establish interruption of prescription because the complaint did not adequately allege a joint or solidary relationship between Crossmark and the other defendants, and also failed to allege wrongdoing by Crossmark. The claims are dismissed without prejudice, with 28 days granted to amend.

CASE DETAILS

COURT	United States District Court for the Middle District of Louisiana
WRITING FOR THE COURT	John W. deGravelles
JURISDICTION	United States District Court for the Middle District of Louisiana
DECIDED	December 8, 2025
DOCKET	No. 24-102-JWD-SDJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Crossmark, Inc. moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss claims added against it in Plaintiff's First Supplemental and Amending Complaint on the grounds that the claims were prescribed and failed to state a claim. The court granted the motion and dismissed the claims without prejudice, granting Plaintiff twenty-eight days to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and construes them in the plaintiff's favor, but disregards conclusory allegations, unwarranted factual inferences, and legal conclusions. Dismissal based on prescription is proper when the bar is apparent from the pleadings and the pleadings do not establish a basis for tolling or interruption.
PRECEDENTIAL VALUE	Unpublished district court ruling; persuasive rather than generally binding outside the case.

TOPICS

motions to dismiss

statute of limitations

premises liability

negligence

motion to amend

PRACTICE AREAS

civil procedure

premises liability

negligence

remedies

QUESTIONS PRESENTED

1. Whether Bell's claims against Crossmark were prescribed under Louisiana's one-year liberative-prescription period applicable to claims arising before July 1, 2024.
2. Whether Bell adequately alleged facts showing that Crossmark was a joint tortfeasor or solidary obligor such that filing the original action against Walmart interrupted prescription as to Crossmark.
3. Whether the First Supplemental and Amending Complaint stated a plausible claim against Crossmark.
4. Whether Bell should be granted leave to amend.

HOLDINGS

1. Because Bell's claims against Crossmark were facially prescribed, Bell bore the burden of alleging and proving a basis for interruption, including facts establishing that Crossmark was jointly or solidarily liable with Walmart or Sam's. The conclusory allegation that Defendants were jointly and/or solidarily liable was insufficient, so Bell failed to establish interruption of prescription as to Crossmark.
2. The First Supplemental and Amending Complaint failed to state a plausible claim against Crossmark because it merely named Crossmark as a defendant and did not allege any negligent, spoliation-related, or other wrongful conduct by Crossmark.
3. Because this was the first ruling on the First Supplemental and Amending Complaint and the defects were not shown to be incurable, Bell was entitled to one opportunity to amend. Failure to cure the deficiencies within twenty-eight days would result in dismissal with prejudice.

KEY QUOTATIONS

"Solidarity is never presumed." (III.B.1)

"The (non-existent) claims against Defendant Crossmark will be dismissed, although the Court will grant Bell leave to amend." (III.B.2)

"Plaintiff shall have twenty-eight (28) days from this Court's ruling on Defendant Crossmark's Motion to Dismiss for Prescription and Failure to State a Claim in which to cure the above deficiencies." (V)

FACTUAL BACKGROUND

Bell alleged that she slipped on a grease-like substance containing chicken grease and meat remnants while shopping at a Sam's Club on April 29, 2023, sustaining bodily injuries. She alleged that the substance resulted from a negligently set-up food booth and asserted negligence and spoliation allegations against Walmart and Sam's, but the First Supplemental and Amending Complaint merely named Crossmark as a defendant without

alleging specific conduct by it. Bell added Crossmark on November 26, 2024, more than one year after the accident.

PROCEDURAL HISTORY

Bell sued Walmart in Louisiana state court after a slip-and-fall and later amended her petition to add Sam's East, Inc. Walmart and Sam's removed the action to federal court. Bell subsequently filed a First Supplemental and Amending Complaint adding Crossmark, Inc., which moved to dismiss. The court granted dismissal without prejudice and allowed twenty-eight days to cure the pleading deficiencies.

DISPOSITION

dismissed

CASES CITED

- In re Great Lakes Dredge & Dock Co. LLC, 624 F.3d 201, 210 (5th Cir. 2010)
- Doe v. MySpace, Inc., 528 F.3d 413, 418 (5th Cir. 2008)
- Hamilton v. Dallas County, 79 F.4th 494, 499 (5th Cir. 2023)
- Ashcroft v. Iqbal, 556 U.S. 662, 663, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-70 (2007)
- Ferrer v. Chevron Corp., 484 F.3d 776, 780 (5th Cir. 2007)
- Harold H. Huggins Realty, Inc. v. FNC, Inc., 634 F.3d 787, 796 (5th Cir. 2011)
- Doe ex rel. Magee v. Covington County School District ex rel. Keys, 675 F.3d 849, 854 (5th Cir. 2012)
- Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC, 594 F.3d 383, 387 (5th Cir. 2010)
- Calhoun v. City of Houston Police Department, 855 F. App'x 917, 919-20 (5th Cir. 2021) (per curiam)
- Inclusive Communities Project, Inc. v. Lincoln Property Co., 920 F.3d 890, 900 (5th Cir. 2019)
- Jones v. Alcoa, Inc., 339 F.3d 359, 366 (5th Cir. 2003)
- Bank of New Orleans & Trust Co. v. Monco Agency, Inc., 823 F.2d 888, 891 (5th Cir. 1987)
- Renfroe v. State ex rel. Department of Transportation & Development, 809 So. 2d 947, 950 (La. 2002)
- Fertitta v. Allstate Insurance Co., 462 So. 2d 159, 163 (La. 1985)
- Duplechain v. Clausing Machine Tools, 420 So. 2d 720, 722 (La. 1982)
- Pearson v. Hartford Accident & Indemnity Co., 281 So. 2d 724, 725 (La. 1973)
- Ford v. Murphy Oil U.S.A., Inc., 750 F. Supp. 766, 772 (E.D. La. 1990)
- Thompson v. Johns-Manville Sales Corp., 714 F.2d 581, 582 (5th Cir. 1983)
- Milbert v. Answering Bureau, Inc., 120 So. 3d 678, 688 (La. 2013)
- Lawrence v. St. Bernard Police Department, 2002 WL 31496374, at *4 (E.D. La. Nov. 6, 2002)
- Anderson v. Nosser, 438 F.2d 183, 198-99 (5th Cir. 1971)
- Schneider v. California Department of Corrections, 151 F.3d 1194, 1197 n.1 (9th Cir. 1998)
- Harrell v. United States, 13 F.3d 232, 236 (7th Cir. 1993)

- Gines v. D.R. Horton, Inc., 699 F.3d 812, 820 (5th Cir. 2012)
- Byrd v. Bates, 220 F.2d 480, 482 (5th Cir. 1955)
- Great Plains Trust Co. v. Morgan Stanley Dean Witter & Co., 313 F.3d 305, 329 (5th Cir. 2002)
- JMCB, LLC v. Board of Commerce & Industry, 336 F. Supp. 3d 620, 641-42 (M.D. La. 2018)
- Fetty v. Louisiana State Board of Private Security Examiners, 611 F. Supp. 3d 230, 250 (M.D. La. 2022)
- Murphy v. Boston Scientific Corp., 2018 WL 6046178, at *1 (M.D. La. Nov. 19, 2018)

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