

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Deborah Heller v. Hillstone Restaurant Group, Inc.

Heller · No. 2:24-cv-02295 · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Hillstone Restaurant Group, Inc.'s two motions for summary judgment in Deborah Heller's slip-and-fall action. The court held that genuine disputes of material fact existed regarding whether Hillstone created or had notice of the hazardous condition and whether sewage on the restroom floor presented an unreasonable risk of harm under Louisiana law. The court also addressed the evidentiary significance of prior plumbing incidents, expert testimony, and an allegedly hearsay statement.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Wendy B. Vitter
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 8, 2026
DOCKET	2:24-cv-02295
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff brought a Louisiana premises-liability and negligence action in state court after a restroom slip-and-fall. Defendant removed the case to federal court under diversity jurisdiction and moved for summary judgment on the creation or notice element and the unreasonable-risk-of-harm element.
STANDARD OF REVIEW	Summary judgment is appropriate under Federal Rule of Civil Procedure 56 when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court must view the evidence and reasonable inferences in favor of the nonmoving party, without weighing evidence or making credibility determinations.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Deborah Heller v. Hillstone Restaurant Group, Inc.

TOPICS

premises liability negligence summary judgment civil procedure hearsay

PRACTICE AREAS

premises liability negligence civil procedure evidence

QUESTIONS PRESENTED

1. Whether summary judgment was proper on the Louisiana merchant-liability requirement that Hillstone created the restroom hazard or had actual or constructive notice of it.
2. Whether summary judgment was proper on whether the liquid on the restroom floor presented an unreasonable risk of harm under Louisiana's risk-utility balancing test.
3. Whether the record contained genuine disputes of material fact concerning the breach and hazard elements of Heller's premises-liability claim.

HOLDINGS

1. Summary judgment was denied because the record contained a genuine dispute of material fact regarding whether Hillstone had prior knowledge of recurring plumbing problems and thereby created the hazard or had constructive notice of the condition.
2. Summary judgment was denied because genuine disputes of material fact remained regarding whether the sewage or liquid on the restroom floor constituted an unreasonable risk of harm.

KEY QUOTATIONS

“Both the act of creating a hazard and the failure to act upon a known hazard each constitute “created” for liability purposes under La. R.S. 9:2800.6(B).” (Analysis § III.A)

“The Court agrees with Plaintiff that the expert’s opinion regarding the coefficient of friction does not foreclose the fact that Plaintiff, in her surprise, may have slipped even while exercising “reasonable care.”” (Analysis § III.B)

FACTUAL BACKGROUND

Heller alleged that she slipped and fell in the women's restroom at Houston's Restaurant in New Orleans on August 27, 2023. The restroom floor was initially dry, but liquid emerged from a floor drain after she flushed a toilet in the handicapped stall, causing her fall and spinal injuries requiring medical treatment. The record included evidence of two prior sewer-line backup incidents in the same general area within the preceding year, as well as competing expert opinions concerning the plumbing and the floor's coefficient of friction.

PROCEDURAL HISTORY

Heller filed suit in the Civil District Court for the Parish of Orleans on August 16, 2024. Hillstone removed the action to the Eastern District of Louisiana on September 20, 2024 under 28 U.S.C. § 1332. The district court denied both of Hillstone's motions for summary judgment.

DISPOSITION

denied

CASES CITED

- Deshotel v. Wal-Mart Louisiana, LLC, 850 F.3d 742, 746-47 (5th Cir. 2017)
- Ross v. Schwegmann Giant Super Markets, Inc., 734 So. 2d 910, 913 (La. 1st Cir.), writ denied, 748 So. 2d 444 (La. 1999)
- Leger v. Wal-Mart Louisiana, LLC, 343 F. App'x 953, 954-55 (5th Cir. 2009) (unpublished)
- Bearb v. Wal-Mart Louisiana Liab. Corp., 534 F. App'x 264, 265 (5th Cir. 2013) (unpublished)
- Fraise v. Wal-Mart Louisiana, LLC, 231 F. App'x 331, 333 (5th Cir. 2007) (unpublished)
- Farrell v. Circle K Stores, Inc., 359 So. 3d 467, 474, 478-79 (La. Mar. 17, 2023)
- Bufkin v. Felipe's Louisiana, LLC, 171 So. 3d 851, 856 (La. Oct. 15, 2014)
- Latour v. Steamboats, LLC, 371 So. 3d 1026, 1036 (La. Oct. 20, 2023)
- Bearden v. K & A of Monroe, LLC, 399 So. 3d 515 (La. App. 2d Cir. July 17, 2024)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986)
- Bazan ex rel. Bazan v. Hidalgo County, 246 F.3d 481, 489 (5th Cir. 2001)
- Wilkinson v. Powell, 149 F.2d 335, 337 (5th Cir. 1945)
- Delta & Pine Land Co. v. Nationwide Agribusiness Insurance Co., 530 F.3d 395, 398-99 (5th Cir. 2008)
- Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994)
- International Shortstop, Inc. v. Rally's, Inc., 939 F.2d 1257, 1264-65 (5th Cir. 1991)
- Miller v. Michaels Stores, Inc., 98 F.4th 211, 218 (5th Cir. 2024)
- Weatherly v. Pershing, LLC, 945 F.3d 915, 925 (5th Cir. 2019)