

SUPREME COURT OF LOUISIANA

Gifford v. Arrington

153 So. 3d 999 (La. 2014) · Decided November 26, 2014

SUMMARY

The Louisiana Supreme Court considered whether defendants were entitled to partial summary judgment on a wrongful death claim arising from a motor vehicle accident. The court held that plaintiffs failed to produce factual support showing they could prove the accident caused or contributed to Kenneth Gifford’s death, reversed the district court, and granted partial summary judgment for defendants.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                  |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Supreme Court of Louisiana                                                                                                                                                                                                                                                       |
| JURISDICTION       | Louisiana                                                                                                                                                                                                                                                                        |
| DECIDED            | November 26, 2014                                                                                                                                                                                                                                                                |
| DISPOSITION        | reversed_and_remanded                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE | Defendants sought supervisory review of the denial of their motion for partial summary judgment concerning the plaintiffs' wrongful death claim.                                                                                                                                 |
| STANDARD OF REVIEW | Summary judgment is reviewed under the statutory standard requiring the movant to identify an absence of factual support for an essential element of the adverse party's claim and the adverse party to produce sufficient factual support to show it can meet its trial burden. |
| PRECEDENTIAL VALUE | Published Louisiana Supreme Court opinion                                                                                                                                                                                                                                        |
| PARTIES            | Defendants v. Plaintiffs                                                                                                                                                                                                                                                         |

TOPICS

- summary judgment
- wrongful death
- civil procedure
- appellate procedure

PRACTICE AREAS

- Civil procedure
- Torts
- Wrongful death

QUESTIONS PRESENTED

1. Whether defendants were entitled to partial summary judgment after presenting evidence that the decedent died from severe cardiovascular disease rather than injuries sustained in the motor vehicle accident.
2. Whether plaintiffs' speculation that the accident may have caused or contributed to a stroke constituted sufficient factual support to establish that they could prove causation at trial.

## HOLDINGS

1. Defendants met their initial burden by presenting evidence indicating that Kenneth Gifford died from severe cardiovascular disease rather than from the motor vehicle accident.
2. Plaintiffs' speculation that the accident could have caused or contributed to the decedent's stroke was insufficient to establish that they would be able to prove at trial that the accident caused his death.

## KEY QUOTATIONS

*“speculation falls far short of the factual support required to establish that plaintiff will be able to satisfy his evidentiary burden of proof at trial” (1000)*

*“In the absence of any evidence by plaintiffs showing they could meet their burden at trial, summary judgment in favor of defendants is mandated.” (1000)*

## FACTUAL BACKGROUND

Kenneth Gifford was involved in a motor vehicle accident and died approximately two weeks later. Plaintiffs alleged that the accident caused or contributed to his death and asserted a wrongful death claim. Defendants presented the coroner's report attributing the death to heart disease and a cardiologist's opinion that the accident did not cause the death. Plaintiffs relied primarily on the possibility that a stroke, identified as one cause of death, could have resulted from head injuries.

## PROCEDURAL HISTORY

Plaintiffs sued defendants after a motor vehicle accident and alleged that Kenneth Gifford died two weeks later as a result of injuries sustained in the accident. The district court denied defendants' motion for partial summary judgment, and the court of appeal denied supervisory review. The Louisiana Supreme Court granted the writ, reversed the district court, granted partial summary judgment for defendants, and remanded for further proceedings.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The case was remanded to the district court for further proceedings after partial summary judgment was granted in favor of defendants.

## CASES CITED

- Schultz v. Guoth, 10-0343 (La. 1/19/11), 57 So. 3d 1002
- Babin v. Winn-Dixie, 00-0078 (La. 6/30/00), 764 So. 2d 37
- Bufkin v. Felipe's Louisiana, LLC, 14-0288 (La. 10/15/14), reporter citation not available in source

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/louisiana-supreme-court-of-louisiana/2014/gifford-v-arrington-7h9ye3sq>