

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

Darci Williamson v. BR Pig, LLC d/b/a Shopper's Value Foods

No. 2025 CW 0813 (1st Cir. 2026) · No. 2025 CW 0813 · Decided March 4, 2026

OPINION

Darci Williamson v. BR Pig, LLC D_B_A Shoppers Value Foods

PER CURIAM.

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DARCI WILLIAMSON NO. 2025 CW 0813

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BR PIG, LLC D/B/A SHOPPER'S MARCH 4, 2026

VALUE FOODS

In Re: BR Pig, LLC d/b/a Shoppers Value Foods, applying for supervisory writs, City Court Judicial District Court, Parish of East Baton Rouge, No. 22-02886. BEFORE : LANIER, WOLFE, AND HESTER, JJ. WRIT GRANTED. The trial court's May 14, 2025 judgment denying the motion for summary judgment filed by defendant, BR Pig, LLC D/B/A Shopper's Value Foods, is vacated and reversed. To prevail on its motion for summary judgment, defendant was required to show an absence of factual support for any of the elements of the Louisiana Merchant Liability Act, codified under La. R.S. 9:2800.6. Regardless of whether La. R.S. 9:2800.6 or La. Civ. Code art. 2317.1 applies, a plaintiff must prove the condition presented an unreasonable risk of harm, the defendant had actual or constructive knowledge of the risk, and the defendant failed to exercise reasonable care. *Woods v. Winn-Dixie Stores, Inc.*, 2022- 0191 (La. App. Ist Cir. 9/16/22), 353 So.3d 182. Additionally, in *Farrell v. Circle K Stores, Inc.*, 2022-00849 (La. 3/17/23), 359 So.3d 467, the Louisiana Supreme Court stated, whether a claim arises in negligence under La. Civ. Code art. 2315 or premises liability under La. Civ. Code art. 2317.1, the traditional duty/risk analysis is the same. Courts apply the risk/utility balancing test to determine whether there was a breach of the duty owed by defendant to plaintiff, and the risk/utility balancing test considers four factors: (1) utility of the complained-of condition; (2) likelihood and magnitude of harm, including the obviousness and apparentness of the condition; (3) cost of preventing the harm; and (4) nature of the plaintiff's activities in terms of social utility or whether the activities were dangerous by nature. *Id.* Constructive notice means the claimant has proven that the condition existed for such a period of time that it would have been discovered if the merchant had exercised reasonable care. *La. R.S. 9:2800.6(C) (1)*. This court has also held that, though there is no bright line time period sufficient for a merchant exercising reasonable care to have constructive notice of a hazardous condition, a claimant must make a positive showing that

the hazardous condition existed for some period of time before the fall and that such time was sufficient to place the merchant on notice of its existence. *Nash v. Rouse's Enters., LLC*, 2015-1101 (La. App. Ist Cir. 2/26/16), 191 So.3d 599. In *Nash*, this court held defendant grocery store's failure to detect spilled rice within a 5-10 minute timeframe was insufficient to show a lack of "reasonable care." *Id.* at 602. In this case, the surveillance footage of the incident shows that the hazard, a white substance similar in consistency to sour cream or yogurt, existed for exactly one minute and

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nineteen seconds before plaintiff slipped. To establish constructive notice, plaintiff provides only her own deposition testimony stating, since staff responded quickly after being alerted of her slip incident, there was sufficient time for staff to rectify the hazard in the one minute and nineteen seconds it existed. This court finds plaintiff has provided no factual support to create a genuine issue of material fact showing defendant had actual or constructive knowledge of the hazard prior to her slip incident. The motion for summary judgment filed by defendant is granted and plaintiff's claims against defendant, BR Pig, LLC D/B/A Shopper's Value Foods, are dismissed with prejudice.

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ERK OF COURT

FOR THE COURT