

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Patricia Huston v. Penn Entertainment, Inc., et al.

Huston · No. No. 24-1975 · Decided March 17, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Louisiana-I Gaming, LP’s motion for summary judgment in a slip-and-fall action arising from an allegedly defective shower at Boomtown Casino Hotel. The court held that expert evidence concerning the shower’s low traction and the hotel’s age and inspection practices created a genuine dispute regarding constructive notice under Louisiana’s Merchant Liability Statute.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 17, 2026
DOCKET	No. 24-1975
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Louisiana-I Gaming, LP moved for summary judgment on plaintiff's premises-liability claims. The court denied the motion.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmovant, and the nonmovant must identify specific facts showing a genuine dispute for trial.
PRECEDENTIAL VALUE	unpublished

TOPICS

- summary judgment
- premises liability
- negligence
- standard of care
- civil procedure

PRACTICE AREAS

- civil procedure
- premises liability
- negligence
- personal injury
- gambling

QUESTIONS PRESENTED

1. Whether defendant was entitled to summary judgment because plaintiff lacked evidence that defendant created or had actual or constructive notice of the allegedly dangerous shower condition.
2. Whether the evidence presented a genuine dispute of material fact concerning constructive notice under Louisiana's Merchant Liability Statute.
3. Whether the same notice analysis applied to any claim asserted under Louisiana Civil Code article 2317.1.

HOLDINGS

1. Summary judgment was improper because the expert evidence and circumstances concerning the age and use of the shower created a genuine dispute of material fact as to whether defendant knew or should have known of the allegedly dangerous condition.
2. The motion could not be granted because the evidence, viewed in the light most favorable to plaintiff, allowed a reasonable jury to return a verdict for plaintiff on the disputed notice issue.

KEY QUOTATIONS

“Summary judgment is proper when “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (II)

“a reasonable jury could conclude that, by the time of Plaintiffs fall in 2023, the surface of the shower floor had been worn down by use such that it had become dangerously slippery.” (III)

“Accordingly, for the foregoing reasons; IT IS ORDERED that Defendant’s Motion for Summary Judgment, R. Doc. 17, is DENIED.” (IV)

FACTUAL BACKGROUND

Patricia Huston, a California citizen, slipped and fell in a shower while staying at the Boomtown Casino Hotel in Harvey, Louisiana. She alleged that the shower was defective and unreasonably dangerous and that the premises owner or operator failed to correct the condition or provide an adequate warning. An expert inspected and tested the shower and reported that its traction level was low under National Floor Safety Institute standards, creating a high probability of wet barefoot slipping. Because the hotel was constructed in 2015 and the fall occurred in 2023, the court concluded that a reasonable jury could infer that use had worn down the shower surface and that the defendant knew or should have known of the condition.

PROCEDURAL HISTORY

Patricia Huston filed claims arising from a slip-and-fall in a shower at the Boomtown Casino Hotel in Harvey, Louisiana. Louisiana-I Gaming, LP moved for summary judgment, arguing that Huston lacked evidence that it created or had actual or constructive notice of the allegedly dangerous condition. The court considered the motion and opposition and denied summary judgment because a genuine dispute remained regarding constructive notice.

DISPOSITION

other

CASES CITED

- *Coleman v. Hous. Indep. Sch. Dist.*, 113 F.3d 528, 533 (5th Cir. 1997)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986)
- *Saketkoo v. Adm'rs of Tulane Educ. Fund*, 31 F.4th 990, 997 (5th Cir. 2022)
- *Bodenheimer v. PPG Indus., Inc.*, 5 F.3d 955, 956 (5th Cir. 1993)

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