

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, ALEXANDRIA DIVISION

Waynoaka Drake v. Wal-Mart Stores, Inc.

Drake · No. 1:24-cv-01197 · Decided February 12, 2026

SUMMARY

The United States District Court for the Western District of Louisiana granted Wal-Mart Stores, Inc.'s motion for summary judgment in Waynoaka Drake's premises-liability action. Applying the Louisiana Merchant Liability Act, the court held that Drake lacked evidence establishing that Walmart created the hazardous condition or had actual or constructive notice of it before her fall. The court also stated that Drake's spoliation arguments did not create a genuine dispute of material fact and denied the sanctions motion as moot.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
WRITING FOR THE COURT	Dee D. Drell
JURISDICTION	United States District Court for the Western District of Louisiana
DECIDED	February 12, 2026
DOCKET	1:24-cv-01197
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on all claims arising from plaintiff's fall in a Walmart store. The court granted the motion.
STANDARD OF REVIEW	Summary judgment must be granted when the movant shows that no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. The evidence is viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Unknown; unpublished federal district court ruling.
PARTIES	Waynoaka Drake v. Wal-Mart Stores, Inc.

TOPICS

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

PRACTICE AREAS

premises liability

negligence

summary judgment

civil procedure

QUESTIONS PRESENTED

1. Whether Drake presented sufficient evidence to create a genuine dispute that Walmart created the hazardous condition under the Louisiana Merchant Liability Act.
2. Whether Drake presented sufficient evidence that Walmart had actual or constructive notice of the hazardous condition under the Louisiana Merchant Liability Act.
3. Whether Walmart was entitled to summary judgment on Drake's merchant-premises-liability claims.

HOLDINGS

1. Drake's evidence and theory that a Walmart employee removed the plastic strap while restocking copy paper and failed to discard it were speculative and insufficient to establish that Walmart created the hazard.
2. Drake failed to establish a genuine dispute that Walmart had actual notice of the piece of plastic before her fall.
3. Drake failed to establish a genuine dispute that the plastic existed for a sufficient period before the fall that Walmart would have discovered it through reasonable care.
4. Walmart was entitled to summary judgment because Drake could not prove the required notice or creation element of her merchant-liability claim.

KEY QUOTATIONS

"Plaintiff bears the burden of proof, and "the failure to prove any of these elements is fatal to the claimant's cause of action." "

"Although her theory as to how the piece of plastic came to be on the floor is plausible, it is just that, a theory. And speculation is insufficient to establish a genuine issue of material fact."

FACTUAL BACKGROUND

On January 25, 2024, Waynoaka Drake entered a Walmart Supercenter in Pineville, Louisiana, and fell in the stationary aisle after her feet became entangled in a piece of plastic. She identified the plastic as a strap used around boxes of copy paper and suffered a broken hip and femur. Drake did not know how the plastic reached the floor, when Walmart last stocked paper, which employee may have stocked it, or how long the plastic had been present before the fall.

PROCEDURAL HISTORY

Drake initially filed suit in the Ninth Judicial District Court for the Parish of Rapides, Louisiana. Walmart removed the action to the United States District Court for the Western District of Louisiana. After briefing on Walmart's motion for summary judgment, the court granted the motion and indicated that a conforming judgment would issue; a sanctions motion concerning alleged spoliation was denied as moot.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Seacor Holdings, Inc. v. Commonwealth Insurance Co., 635 F.3d 680 (5th Cir. 2011)
- White v. Wal-Mart Stores, Inc., 699 So. 2d 1081, 1082, 1084 (La. 1997)
- Deshotel v. Wal-Mart La., LLC, 850 F.3d 742, 747-48 (5th Cir. 2017)
- Savoie v. Southwest Louisiana Hospital Ass'n, 866 So. 2d 1078 (La. Ct. App. 2003)
- Gray v. Wal-Mart La., LLC, 484 F. App'x 963, 966 (5th Cir. 2012)
- McDowell v. Wal-Mart Stores, Inc., 811 F. App'x 881, 884 (5th Cir. 2020)
- Peterson v. Brookshire Grocery Co., 751 F. App'x 533, 535 (5th Cir. 2018)
- Guidry v. Brookshire Grocery Co., 289 So. 3d 1026, 1027 (La. 2020)
- Babin v. Winn-Dixie Louisiana, Inc., 764 So. 3d 37, 40 (La. 2000)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-western-district-of-lou/2026/waynoaka-drake-v-wal-mart-stores-inc-p701xm7w>