

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

Randy Owens and Charlotte Owens, Husband and Wife v. K & K Insurance Group, Inc. and Slidell Bantam Baseball Association

Owens v. K & K Insurance Group · No. 2025 CW 0913 · Decided November 26, 2025

SUMMARY

The Louisiana First Circuit granted in part and denied in part a supervisory writ application arising from a summary judgment proceeding. The court reversed rulings overruling evidentiary objections to portions of an affidavit and to a sur-reply, but otherwise upheld the denial of defendants' motion for summary judgment.

OPINION

PER CURIAM.

COURT OF APPEAL, FIRST CIRCUIT RANDY OWENS AND CHARLOTTE NO. 2025 CW 0913 OWENS, HUSBAND AND WIFE VERSUS K& K INSURANCE GROUP, INC. AND SLIDELL BANTAM BASEBALL ASSOCIATION NOVEMBER 26, 2025 In Re: Slidell Bantam Baseball Association, Michael Blakeman, Jacob Blakeman, and Nationwide Mutual Insurance Company, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 712512.

BEFORE: MCCLENDON, C - J., GREENE AND STROMBERG, JJ. WRIT GRANTED IN PART; DENIED IN PART. The portions of the district court' s July 14, 2025 judgment, which overruled defendants', Slidell Bantam Baseball Association, Michael Blakeman, Jacob Blakeman, and Nationwide Mutual Insurance Company' s, evidentiary objections to Paragraphs 8 and 17 of the Affidavit of Rebecca Barnette and objection to the sur -reply, are reversed.

La. Code Civ. P. art. 966 does not provide for the filing of a sur -reply, and therefore defendants' objection to the sur - reply is sustained. Additionally, La. Code Civ. P. art. 967(A) provides that "[s] upporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein."

See Thomas v. Comfort Ctr. of Monroe, LA, Inc., 2010- 0494 (La. App. 1st Cir. 10/ 29/ 10), 48 So. 3d 1228, 1236. Portions of affidavits not based on the personal knowledge of the affiant should not be considered by the trial court in deciding a motion for summary judgment. Id. We find the paragraphs referenced herein contain inadmissible hearsay testimony, and are not based on the personal knowledge of affiant, and the evidentiary objections are sustained.

Nevertheless, even excluding this evidence, we find no error in the denial of the motion for summary judgment filed by defendants, and in all other respects, this writ application is denied.

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