

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

Holly Dunn v. Board of Commissioners of the Port of New Orleans
and Ports America Louisiana, LLC

No. 2025-CA-0201 · No. 2025-CA-0201 · Decided December 3, 2025

SUMMARY

The Louisiana Fourth Circuit Court of Appeal reversed a summary judgment dismissing Holly Dunn's claims against the Board of Commissioners of the Port of New Orleans arising from injuries allegedly caused by a protruding wire on a terminal escalator. The court held that genuine issues of material fact existed regarding the hazardous condition, constructive notice, required inspections, and the Port's non-delegable duty to maintain reasonably safe premises. The case was remanded for further proceedings.

CASE DETAILS

COURT	Louisiana Court of Appeal, Fourth Circuit
WRITING FOR THE COURT	Joy Cossich Lobrano; Tiffany Gautier Chase; Dale N. Atkins
JURISDICTION	Louisiana Court of Appeal, Fourth Circuit
DECIDED	December 3, 2025
DOCKET	2025-CA-0201
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Dunn appealed the district court's grant of summary judgment in favor of the Board of Commissioners of the Port of New Orleans, which dismissed her claims for injuries sustained in an escalator accident.
STANDARD OF REVIEW	Summary judgments are reviewed de novo, using the same criteria that govern the trial court's consideration of whether summary judgment is appropriate.
PRECEDENTIAL VALUE	published
PARTIES	Holly Dunn v. Board of Commissioners of the Port of New Orleans, Ports America Louisiana, LLC

TOPICS

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

PRACTICE AREAS

torts

premises liability

civil procedure

appellate procedure

municipal law

QUESTIONS PRESENTED

1. Whether summary judgment was proper when conflicting evidence created genuine issues of material fact concerning the existence and nature of the alleged escalator defect.
2. Whether the record created a genuine issue of material fact regarding the Port's constructive notice of the alleged hazardous condition and its duty to inspect the escalator.
3. Whether the Port could avoid potential liability by delegating escalator inspection and maintenance responsibilities to contractors.

HOLDINGS

1. Summary judgment was inappropriate because conflicting testimony concerning whether a protruding wire existed and whether it was part of the escalator assembly or a foreign object presented genuine issues of material fact that could not be resolved by the court on summary judgment.
2. The record presented genuine issues of material fact concerning whether the alleged protrusion was discoverable through required or reasonably expected visual inspections and whether the Port's failure to inspect resulted in constructive notice of the hazardous condition.
3. Louisiana law imposes a high degree of care on elevator and escalator owners, similar to the duty imposed on common carriers.
4. The Port's duty under Louisiana Civil Code articles 2317.1 and 2322 is non-delegable; the Port could contract for assistance but could not shift its statutory responsibility to maintain reasonably safe premises to contractors.

KEY QUOTATIONS

“Because a malfunctioning elevator/escalator can quickly become a dangerous instrumentality, Louisiana law “places a high degree of care upon elevator/escalator owners, similar to that imposed upon common carriers.”” (p. 4)

“The Port may contract for assistance but cannot shift its statutory responsibility to maintain reasonably safe premises.” (p. 5)

FACTUAL BACKGROUND

On November 17, 2018, Holly Dunn and her fiancé were boarding a Carnival Cruise Line vessel through the Erato Street Cruise Terminal, which was owned and operated by the Port. While they were ascending an escalator, Dunn's fiancé's pant leg was allegedly caught by a protruding wire or rod, causing him to fall backward onto Dunn and injure her. A companion testified that he saw a six-inch green wire protruding from the escalator's brush guard immediately after the fall, while other evidence addressed whether the Port conducted required visual inspections.

PROCEDURAL HISTORY

Dunn sued the Port, ThyssenKrupp Elevator Corporation, and Concord Shore Services, alleging negligence and strict liability arising from injuries sustained when a protruding wire or rod allegedly caused her fiancé to fall onto her on an escalator. The Port moved for summary judgment under Louisiana Revised Statutes § 9:2800, arguing that it lacked actual or constructive notice of the alleged defect and that maintenance responsibilities rested with contractors. The Civil District Court for Orleans Parish granted the motion, and the Fourth Circuit reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded to the district court for further proceedings consistent with the opinion.

CASES CITED

- Reynolds v. Select Properties, Ltd., 634 So. 2d 1180 (La. 1994)
- George v. ABC Insurance Co., 351 So. 3d 447 (La. App. 4 Cir. 2022)
- Flenner v. Sewerage & Water Board of New Orleans, 110 So. 3d 661 (La. App. 4 Cir. 2013)
- LeBlanc v. City of Abbeville, 259 So. 3d 372 (La. App. 3 Cir. 2018)
- Clark v. East Baton Rouge Parish Department of Public Works, 248 So. 3d 409 (La. App. 1 Cir. 2018)
- Minor v. Red River Parish Police Jury, 333 So. 3d 549 (La. App. 2 Cir. 2022)
- Muncie Aviation Corp. v. Party Doll Fleet, Inc., 519 F.2d 1178 (5th Cir. 1975)
- Falgout v. Higbee Lancoms, LP, 2020 WL 7364482 (E.D. La. Dec. 15, 2020)
- Rosell v. ESCO, 549 So. 2d 840 (La. 1989)
- Broussard v. State ex rel. Office of State Buildings, 113 So. 3d 175 (La. 2013)
- Wolverton v. City Stores Co., 363 So. 2d 1321 (La. App. 4 Cir. 1978)
- Otis Elevator Co. v. Seale, 334 F.2d 928 (5th Cir. 1964)
- Perniciaro v. Liberty Mutual Insurance Co., 820 So. 2d 600 (La. App. 4 Cir. 2002)
- Nunez v. Isidore Newman High School, 306 So. 2d 457 (La. App. 4 Cir. 1975)
- Carrero v. Mandina's, Inc., 364 So. 3d 19 (La. App. 4 Cir. 2019)