

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

Deshun K. Carter v. Blue Hill Specialty Insurance Company,
Forward Loads, LLC, Jamar Hooker, USAA Casualty Insurance
Company, and Talish Josie Watts

Carter v. Blue Hill Specialty Insurance Co., 2025 CA 0515 (1st Cir. 2025) · No. 2025 CA 0515 · Decided
December 17, 2025

SUMMARY

The Louisiana Court of Appeal, First Circuit, affirmed a summary judgment dismissing Deshun K. Carter’s claims against Blue Hill Specialty Insurance Company. The court held that Carter was an employee of Forward Loads under the totality-of-the-circumstances test and that the Blue Hill policy’s employee and workers’ compensation exclusions precluded coverage. The court also held that the trial court did not abuse its discretion by proceeding with the summary judgment hearing despite outstanding discovery.

CASE DETAILS

COURT	Louisiana Court of Appeal, First Circuit
WRITING FOR THE COURT	Miller, J.; Edwards, J.; Fields, J.
JURISDICTION	Louisiana Court of Appeal, First Circuit
DECIDED	December 17, 2025
DOCKET	2025 CA 0515
DISPOSITION	affirmed
PROCEDURAL POSTURE	Carter appealed a summary judgment granting Blue Hill Specialty Insurance Company’s motion and dismissing Carter’s claims against Blue Hill with prejudice.
STANDARD OF REVIEW	Summary judgment evidence is reviewed de novo under the same criteria governing the trial court. The trial court’s regulation of pretrial discovery is reviewed for abuse of discretion, and its determination will not be disturbed absent a clear showing of abuse.
PRECEDENTIAL VALUE	unknown
PARTIES	Deshun K. Carter v. Blue Hill Specialty Insurance Company

TOPICS

summary judgment

insurance coverage

standard of review

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

insurance

torts

employment law

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by granting summary judgment before Carter completed outstanding discovery.
2. Whether genuine issues of material fact existed concerning whether Carter was an employee of Forward Loads rather than an independent contractor.
3. Whether Carter's status as an employee triggered exclusions in Blue Hill's automobile liability policy and defeated coverage for his claims.
4. Whether the trial court improperly made credibility determinations in granting summary judgment.

HOLDINGS

1. Louisiana Code of Civil Procedure article 966(A)(3) requires an opportunity for adequate discovery, not completion of all discovery. The trial court did not abuse its discretion by proceeding with the summary-judgment hearing.
2. The undisputed summary-judgment evidence established that Carter was an employee of Forward Loads, not an independent contractor.
3. Because Carter was an employee of Forward Loads and sustained bodily injury while performing duties related to Forward Loads' business, the employee-related exclusions in Blue Hill's policy barred coverage for his claims.
4. The trial court did not improperly resolve credibility issues; the evidence offered by Carter did not create a genuine issue of material fact sufficient to defeat summary judgment.

KEY QUOTATIONS

“The requirement is that adequate discovery be conducted, not that discovery be completed.” (at 4)

“The single most important factor to consider in deciding whether the employer-employee relationship exists, for purposes of La. C.C. art. 2320, is the right of the employer to control the work of the employee.” (at 13)

FACTUAL BACKGROUND

On January 11, 2023, Carter was a passenger and helper in a Freightliner operated by Jamar Hooker, the owner of Forward Loads, while making a furniture delivery. The Freightliner collided with a Honda Civic driven by Talish Josie Watts while Hooker was turning left after stopping to allow vehicles to pass. Carter alleged that Hooker and Watts were negligent and sought damages for his injuries. Blue Hill's policy contained employee-indemnification, employer's-liability, fellow-employee, and workers' compensation-related exclusions, and the parties disputed whether Carter was an employee or independent contractor of Forward Loads.

PROCEDURAL HISTORY

Carter sued Forward Loads, LLC, Blue Hill, Jamar Hooker, Talish Josie Watts, and USAA following a vehicle accident in which Carter was a passenger in a Freightliner operated by Hooker. Blue Hill moved for summary judgment, arguing that its commercial automobile policy excluded coverage because Carter was an employee of Forward Loads. The Twenty-First Judicial District Court granted summary judgment and dismissed Carter's claims against Blue Hill with prejudice. The Louisiana Court of Appeal, First Circuit, affirmed.

DISPOSITION

affirmed

CASES CITED

- Grady v. Ahles, 2024-0244 (La. App. 1st Cir. 12/20/24), 404 So. 3d 886, 890
- Leet v. Hospital Service District No. 1 of East Baton Rouge Parish, 2018-1148 (La. App. 1st Cir. 2/28/19), 274 So. 3d 583, 587
- Harris v. Tractor Supply Company, 2023-0337 (La. App. 1st Cir. 10/30/23), 377 So. 3d 726, 732-33
- Trichell v. McClure, 2021-1240 (La. App. 1st Cir. 4/8/22), 341 So. 3d 856, 862
- Preston v. Southern University Through Board of Supervisors of Southern University Agricultural and Mechanical College, 2020-0035 (La. App. 1st Cir. 7/13/21), 328 So. 3d 1194, 1203
- Campbell v. Dolencorp, LLC, 2019-0036 (La. App. 1st Cir. 1/9/20), 294 So. 3d 522, 527-28
- Ellis v. Circle L Trucking, L.L.C., 2021-0457 (La. App. 1st Cir. 12/30/21), 340 So. 3d 985, 989
- Boudreaux v. Coco, 2021-1009 (La. App. 1st Cir. 4/28/22), 342 So. 3d 354, 359-62
- Miller v. Superior Shipyard and Fabrication, Inc., 2001-2683 (La. App. 1st Cir. 11/8/02), 836 So. 2d 200, 203
- Savoie v. Anco Insulations, Inc., 2020-0584 (La. App. 1st Cir. 4/9/21), 322 So. 3d 1264, 1266-67
- Myers v. Welch, 2017-0063 (La. App. 1st Cir. 10/25/17), 233 So. 3d 49, 55
- Tower Credit, Inc. v. Carpenter, 2001-2875 (La. 9/4/02), 825 So. 2d 1125, 1129
- Bolden v. Tisdale, 2021-00224 (La. 1/28/22), 347 So. 3d 697, 708
- Blanchard v. Ogima, 215 So. 2d 902, 905 (La. 1968)
- Hillman v. Comm-Care, Inc., 2001-1140 (La. 1/15/02), 805 So. 2d 1157, 1162-63
- Hickman v. Southern Pac. Transport Co., 262 So. 2d 385, 390 (La. 1972)
- Roach v. Moffatt, 55,415 (La. App. 2d Cir. 1/10/24), 379 So. 3d 268, 275