

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAKE CHARLES DIVISION

Felipe Ortiz v. Home Depot U S A Inc

Ortiz · No. 2:22-CV-05860 · Decided March 19, 2026

SUMMARY

The United States District Court for the Western District of Louisiana granted Home Depot U.S.A., Inc.’s motion for partial summary judgment concerning Felipe Ortiz’s claims for lost wages and impairment of earning capacity. The court concluded that Ortiz failed to present competent, admissible evidence that the December 8, 2020 accident caused or contributed to those claimed losses, particularly because he had been permanently disabled and unemployed before the accident. The court dismissed those claims with prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lake Charles Division
WRITING FOR THE COURT	James D. Cain, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana, Lake Charles Division
DECIDED	March 19, 2026
DOCKET	2:22-CV-05860
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for partial summary judgment on the plaintiff's claims for lost wages and impairment of earning capacity. The plaintiff filed no opposition, and the court granted the motion.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. The moving party bears the initial burden; if that burden is met, the nonmovant must set forth specific facts showing a genuine issue for trial. The court views the evidence and reasonable inferences in the light most favorable to the nonmovant and may not weigh evidence or make credibility determinations.

PRECEDENTIAL VALUE

unpublished district court memorandum ruling; precedential status unknown

TOPICS

summary judgment

damages

personal injury

negligence

civil procedure

PRACTICE AREAS

civil procedure

negligence

personal injury

damages

QUESTIONS PRESENTED

1. Whether Home Depot was entitled to partial summary judgment on Ortiz's claims for past, present, and future lost wages and impairment of earning capacity.
2. Whether Ortiz produced sufficient summary-judgment evidence to create a genuine dispute of material fact that the accident caused compensable wage loss or loss of earning capacity.

HOLDINGS

1. To recover actual wage loss, a plaintiff must prove that he would have been earning wages but for the accident and must provide independent support for the claimed loss.
2. Ortiz failed to submit evidence sufficient to create a genuine issue of material fact on his claims for lost wages or impairment of earning capacity, so Home Depot was entitled to partial summary judgment.

KEY QUOTATIONS

"To recover for actual wage loss, a plaintiff must prove that he would have been earning wages but for the accident in question." (at 3)

"The Court finds that Mr. Ortiz has failed to submit summary judgment evidence to create a general issue of material fact for trial to establish a claim for loss wage or loss of earning capacity claim." (at 4)

FACTUAL BACKGROUND

On December 8, 2020, Felipe Ortiz was struck by a ladder that Home Depot employees caused to fall while moving ladders in the course and scope of their employment. The parties stipulated that the employees breached a duty of care and that the elements of negligence against Home Depot were satisfied. Ortiz had not worked since approximately 2013 and had been determined permanently disabled before the accident because of several medical conditions. He did not produce competent, admissible evidence that injuries from the accident caused or contributed to lost wages or impairment of earning capacity.

PROCEDURAL HISTORY

Felipe Ortiz sued Home Depot U.S.A., Inc. for injuries allegedly sustained when a ladder fell on him at a Home Depot store. The parties stipulated that Home Depot employees caused the ladder to fall, breached a duty of care,

and that the elements of negligence against Home Depot were satisfied. Home Depot moved for partial summary judgment on wage-loss and earning-capacity damages; the motion was unopposed and granted with prejudice.

DISPOSITION

other

CASES CITED

- Tubacex, Inc. v. M/V Risan, 45 F.3d 951, 954 (5th Cir. 1995)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-49 (1986)
- State Farm Life Ins. Co. v. Gutterman, 896 F.2d 116, 118 (5th Cir. 1990)
- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 150 (2000)
- Clift v. Clift, 210 F.3d 268, 270 (5th Cir. 2000)
- Brumfield v. Hollins, 551 F.3d 322, 326 (5th Cir. 2008)
- Saucier v. State Farm Mut. Auto. Ins. Co., 2016 WL 3977253, at *2 (W.D. La. July 20, 2016)
- Boyette v. United Servs. Auto. Ass'n, 783 So. 2d 1276, 1279 (La. Apr. 3, 2001)
- Stover v. AIG Property Cas. Co., Case No. 23-821, 2025 WL 1116465 (W.D. La. Apr. 15, 2025)