

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

Barbara W. Flake v. P & P Automotive Interests, Inc., Toyota Motor Corporation, and Toyota Motor Sales, U.S.A., Inc.

Flake · No. 2025 CA 0674 · Decided February 9, 2026

SUMMARY

The Louisiana Court of Appeal, First Circuit, reviewed a summary judgment dismissing Barbara W. Flake’s claims against P&P Automotive Interests, Inc. arising from an alleged failure of her vehicle’s parking brake. The court held that Flake failed to produce sufficient evidence of a defect at the time of purchase or during P&P’s 2017 inspection, and it affirmed the judgment in favor of P&P.

CASE DETAILS

COURT	Louisiana Court of Appeal, First Circuit
WRITING FOR THE COURT	Fields, J.; Miller, J.; Edwards, J.
JURISDICTION	Louisiana Court of Appeal, First Circuit
DECIDED	February 9, 2026
DOCKET	2025 CA 0674
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed a trial-court judgment granting P & P Automotive Interests, Inc.'s motion for summary judgment and dismissing all claims against P & P with prejudice.
STANDARD OF REVIEW	De novo review applies to summary-judgment rulings, using the same criteria applied by the trial court. The appellate court determines whether the motion and supporting materials show no genuine issue of material fact and entitlement to judgment as a matter of law.
PRECEDENTIAL VALUE	Unknown
PARTIES	Barbara W. Flake v. P & P Automotive Interests, Inc., Toyota Motor Corporation, Toyota Motor Sales, U.S.A., Inc.

TOPICS

- summary judgment
- standard of review
- negligence
- civil procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether summary judgment was proper on Flake's redhibition claim when she failed to produce evidence of a defect in the vehicle at the time of purchase.
2. Whether summary judgment was proper on Flake's negligence claim when she failed to produce evidence of a defect existing at or around the time of P & P's September 2017 inspection.
3. Whether Flake's post-accident videos and expert affidavits established a genuine issue of material fact.

HOLDINGS

1. Summary judgment was proper because P & P demonstrated an absence of factual support for the essential defect element of Flake's claims, and Flake failed to produce evidence establishing a genuine issue of material fact concerning a defect at the time of purchase or at the time of the September 2017 inspection.
2. The appellate court reviews a summary-judgment ruling de novo and applies the same criteria as the trial court.

KEY QUOTATIONS

“Without proof of a defect at the time of purchase, Ms. Flake cannot prove her redhibition claim. Furthermore, without proof of a defect around the time of the September 2017 multi-point inspection, she cannot show that P& P was negligent in failing to discover or warn Ms. Flake of a defect.” (12)

“Although factual inferences reasonably drawn from the evidence must be construed in favor of the party opposing the motion, mere conclusory allegations, improbable inferences, and unsupported speculation will not support a finding of a genuine issue of material fact.” (13)

FACTUAL BACKGROUND

Flake purchased a 2015 Toyota Highlander in 2015 and was injured on November 12, 2017, when the vehicle rolled backward in a driveway after she engaged the parking brake. She alleged that the parking-brake and ignition systems were defective and that P & P negligently failed to detect or warn her of the defect during a September 2017 visual inspection. P & P presented evidence that the vehicle's braking systems were functional, while Flake relied primarily on videos made seven years after the accident and an expert affidavit based on those videos rather than a personal inspection of the vehicle.

PROCEDURAL HISTORY

Flake filed a damages action arising from injuries allegedly caused when her Toyota Highlander rolled backward. After the Toyota defendants were dismissed with prejudice and Flake stipulated to dismissal of her Louisiana Products Liability Act claims against P & P, P & P moved for summary judgment on the remaining redhibition and negligence claims. The trial court granted summary judgment on February 28, 2025, and the Louisiana Court of Appeal, First Circuit, affirmed.

DISPOSITION

affirmed

CASES CITED

- Bass v. Disa Global Solutions, Inc., 2019-1145 (La. App. 1st Cir. 6/12/20), 305 So. 3d 903, 906, writ denied, 2020-01025 (La. 11/4/20), 303 So. 3d 651
- Quereau v. Sam & Brett LLC, 2024-0243 (La. App. 1st Cir. 10/3/24), 405 So. 3d 847, 852
- Kasem v. State Farm Fire and Casualty Company, 2016-0217 (La. App. 1st Cir. 2/10/17), 212 So. 3d 6, 12-13
- Smith v. Our Lady of the Lake Hospital, Inc., 93-2512 (La. 7/5/94), 639 So. 2d 730, 751
- Cazaubon v. Cycle Sport, LLC, 2011-0289 (La. App. 1st Cir. 11/9/11), 79 So. 3d 1063, 1065
- Salvador v. Main Street Family Pharmacy, L.L.C., 2017-1757 (La. App. 1st Cir. 6/4/18), 251 So. 3d 1107, 1112
- McLin v. Stafford, 2019-0441 (La. App. 1st Cir. 12/27/19), 292 So. 3d 566, 569
- Wolfe v. Quad-Area Community Action Agency, Inc., 2022-0203 (La. App. 1st Cir. 9/16/22), 352 So. 3d 992, 996, writ not considered, 2022-01625 (La. 1/11/23), 352 So. 3d 562