

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2009 CA 1508

FREDDIE J. PEREZ, SR.

VERSUS

LAFOURCHE PARISH COUNCIL

Judgment Rendered: May 7, 2010

APPEALED FROM THE SEVENTEENTH JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF LAFOURCHE
STATE OF LOUISIANA
DOCKET NUMBER 104631, DIVISION "A"

THE HONORABLE JOHN E. LEBLANC, JUDGE

Larry P. Boudreaux
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Attorney for Plaintiff/Appellant
Freddie J. Perez, Sr.

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Thibodaux, LA

Attorney for Defendant/Appellee
Parish of Lafourche¹

BEFORE: PARRO, KUHN, AND McDONALD, JJ.

¹ The defendant's answer stated that the proper party defendant was the Parish of Lafourche.

McDONALD, J.

This is a suit for personal injuries that occurred during Hurricane Rita when the plaintiff, Freddie J. Perez, Sr., attempted to check on a drainage pump owned by the defendant, the Parish of Lafourche. The drainage pump is used to pump water out of the area where Mr. Perez's home is located. Mr. Perez was walking up the wooden ramp to the pump during the rain, before daybreak, when he fell and broke his leg. After a bench trial, the district court judge found that Mr. Perez failed to establish that the Parish of Lafourche owed him a duty to protect him from their equipment, and dismissed the suit. Mr. Perez appeals, citing three errors:

1. The court failed to consider judicial and legislative changes made to the law on slip and fall claims.
2. The court erred in determining that the defendant did not owe the plaintiff a duty to protect him from defects on the pump or its structure.
3. It was error to find that the plaintiff did not have permission from the Parish to enter the premises of the pump.

After a thorough review of the law and the record in this matter, we find no error in the action of the district court. Therefore, the judgment is affirmed and this opinion is issued in compliance with Louisiana Uniform Rules, Courts of Appeal, Rule 2-16.2A(2),(4),(5), and (6). Costs are assessed against the plaintiff, Freddie J. Perez, Sr.

AFFIRMED.