

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2008 CA 2230

JULIE HODGES

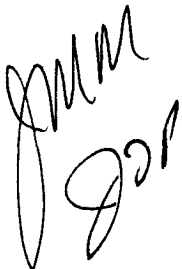
VERSUS

EAGLE REFRIGERATION & MECHANICAL, L.L.C.

Judgment Rendered: May 8, 2009

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APPEALED FROM THE NINETEENTH JUDICIAL DISTRICT COURT,  
IN AND FOR THE PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA,  
DOCKET NUMBER 536,416, DIVISION "8"



THE HONORABLE WILSON FIELDS, JUDGE

\* \* \* \* \*

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& Mechanical, L.L.C.

**BEFORE: PETTIGREW, McDONALD, HUGHES, JJ.**

*Hughes, J., dissents with reasons.*

**McDONALD, J.**

The plaintiff, Julie Hodges, was employed as a manager at a Subway store on Airline Highway in Baton Rouge. Ms. Hodges filed suit against Eagle Refrigeration and Mechanical, L.L.C. (hereafter Eagle Refrigeration), asserting that Eagle Refrigeration was responsible for the installation and maintenance of an air conditioning unit in the Subway store that leaked water onto the floor, causing her to slip and fall. Eagle Refrigeration filed an answer, generally denying the allegations, and thereafter filed a motion for summary judgment, asserting that there was no genuine issue of material fact in dispute because Eagle Refrigeration did not install or maintain the air conditioning unit at the Subway Store. The trial court granted the motion for summary judgment in favor of Eagle Refrigeration, finding there was no genuine issue of material fact, and dismissed Ms. Hodges' suit with prejudice. Ms. Hodges appealed that judgment.

After a *de novo* review of the case, we find that the trial court correctly granted the motion for summary judgment in favor of Eagle Refrigeration, and we affirm the trial court judgment. Costs are assessed against Ms. Hodges. This memorandum opinion is issued in compliance with the Uniform Rules-Courts of Appeal, Rule 2-16.1.B.

**AFFIRMED.**

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**VERSUS**

**EAGLE REFRIGERATION & MECHANICAL, L.L.C.**

HUGHES, J., dissenting.

I respectfully dissent due to issues of credibility and contested fact rendering summary judgment inappropriate.