

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

ALEISA MARTIN

NO. 2026 CW 0002

VERSUS

PAGE 1 OF 2

OUR LADY OF THE LAKE, INC.
DBA OUR LADY OF THE LAKE
REGIONAL MEDICAL CENTER AND
ABC INSURANCE COMPANY

AUGUST 21, 2026

In Re: Our Lady of the Lake, Inc., D/B/A Our Lady of the Lake Regional Medical Center ("LOL"), applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 734023.

BEFORE: HESTER, MILLER, EDWARDS, BALFOUR, AND FIELDS, JJ.

WRIT GRANTED. The trial court's October 6, 2025 judgment, which denied the motion for summary judgment filed by defendant, Our Lady of Lake, Inc., d/b/a Our Lady of the Lake Regional Medical Center, is reversed. A plaintiff must prove a condition presented an unreasonable risk of harm, the defendant had actual or constructive knowledge of the risk, and it failed to exercise reasonable care. See **Woods v. Winn-Dixie Stores, Inc.**, 2022-0191 (La. App. 1st Cir. 9/16/22), 353 So.3d 182. A plaintiff must make a positive showing of the existence of the condition prior to the fall. See **Cyprian v. State Farm Fire & Cas. Co.**, 2016-0717 (La. App. 1st Cir. 2/17/17), 2017 WL 658246, *3 (unpublished) (citing **White v. Wal-Mart Stores, Inc.**, 97-0393 (La. 9/9/97), 699 So.2d 1081, 1084). A defendant does not have to make a positive showing of the absence of the existence of the condition prior to the fall. See **White**, 699 So.2d at 1084. "Notwithstanding that such would require proving a negative, the [law] simply does not provide for a shifting of the burden." **Id.** In her petition for damages, plaintiff, Aleisa Martin, alleged she fell in defendant's hospital due to a sticky substance left on the floor without any indication or warning of the dangerous conditions of the area. However, plaintiff testified during her deposition that she did not observe any sticky substance on the floor, she did not look down at the floor after her fall, and she could not testify to a difference in the flooring where she fell and the surrounding area. Plaintiff provided no other evidence that her shoe had gotten stuck on a substance on the floor, causing her to fall. Moreover, the security supervisor testified to arriving at the scene, inspecting the floor where plaintiff fell, and finding no liquid or sticky substance on the floor.

Additionally, constructive notice exists when the defect or condition has existed for such a period of time that it would have been discovered and remedied had the custodian exercised reasonable care. See **Racca v. St. Mary Sugar Cooperative, Inc.**, 2002-1766 (La. App. 1st Cir. 2/23/04), 872 So.2d 1117, 1126, writ denied, 2004-0698 (La. 5/7/04), 872 So.2d 1083. The claimant who simply shows the condition existed without an additional showing that the condition existed for some time before the fall has not carried the burden of proving constructive notice. **White**, 699 So.2d 1081. Plaintiff testified that she was uncertain about the length of time the purported substance was on the floor and provided no

STATE OF LOUISIANA

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NO. 2026 CW 0002

PAGE 2 OF 2

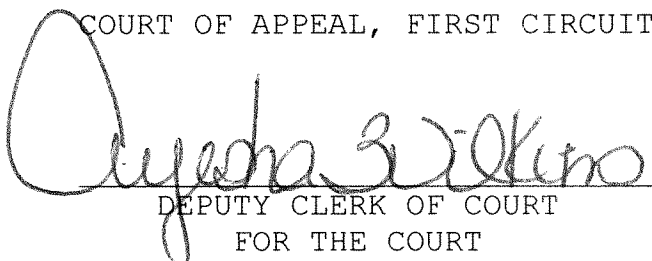
evidence regarding whether the substance was actually on the floor. Furthermore, neither plaintiff nor the security supervisor on duty could testify to defendant having constructive notice of a substance on the floor at the time of plaintiff's fall.

We find plaintiff failed to meet her burden to produce factual support to raise a genuine issue of material fact as to either of these elements. Accordingly, the motion for summary judgment is granted, and the claims of plaintiff, Aleisa Martin, against defendant, Our Lady of Lake, Inc., d/b/a Our Lady of the Lake Regional Medical Center, are dismissed with prejudice.

CHH
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Fields, J., dissents and would deny the writ.

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DEPUTY CLERK OF COURT
FOR THE COURT