

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

ERICA MILTON, QUINCY MILTON
AND JOHNNY MILTON

NO. 2026 CW 0155

VERSUS

CARDIOVASCULAR INSTITUTE OF
THE SOUTH, AAC, LLC

JULY 28, 2026

In Re: SWS Enterprises, Inc. and Houston Specialty Insurance Company, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 713,175.

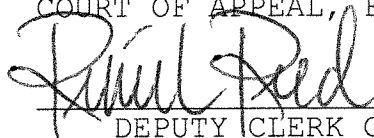
BEFORE: MILLER, EDWARDS, AND FIELDS, JJ.

WRIT DENIED.

**BDE
WEF**

Miller, J., dissents and would reverse the trial court's December 18, 2025 ruling, granting summary judgment in favor of defendants, SWS Enterprises, Inc. and Houston Specialty Insurance Company. Because the undisputed evidence establishes that defendant, SWS Enterprises, Inc., completed its work and relinquished custody, or *garde*, of the premises approximately six weeks before the accident occurred, I find that defendants, SWS Enterprises, Inc. and Houston Specialty Insurance Company, are entitled to summary judgment on plaintiffs' claims under La. Civ. Code arts. 2315, 2317 and 2317.1. Although defendants may remain liable for contractual indemnification, such an obligation is distinct from plaintiffs' claims against these defendants and does not provide a basis for assigning a percentage of fault in this matter.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT