

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2026 CA 0016

SEALESTA SELTERS OBO MADISYN SELTERS

VERSUS

ROUSES ENTERPRISES LLC

Judgment Rendered: OCT 22 2026

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On Appeal from the
19th Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
Trial Court No. 728278

The Honorable Johnell M. Matthews, Judge Presiding

* * * * *

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BEFORE: McCLENDON, C.J., THERIOT, MILLER, EDWARDS, AND FIELDS, JJ.

Fields, J. Dissents without reasons

McCleendon, C.J. concurs.

MILLER, J.

Defendant/Appellant, Rouses Enterprises, LLC (“Rouses”), appeals a judgment wherein the trial court awarded Plaintiff/Appellee, Sealesta Selders on behalf of her minor daughter, Madisyn Selders, \$50,000.00 in general damages, \$40,000.00 in special damages, and \$6,000.00 in future medical expenses. For the following reasons, we reverse.

FACTS AND PROCEDURAL HISTORY

On January 30, 2023, Sealesta Selders (“Sealesta”) filed a “Petition for Damages” on behalf of her minor daughter, Madisyn Selders (“Madisyn”), naming Rouses as the defendant. Sealesta alleged that on February 12, 2022, Madisyn was walking near the bakery area in the Rouses store located off Airline Highway in Baton Rouge when she slipped and fell on a liquid substance. Sealesta further alleged that there were no “wet floor” signs in the area, no employees attempted to assist Madisyn after the fall, and Madisyn was only able to make it back to the car with Sealesta’s assistance. Sealesta asserted Madisyn sustained a broken ankle and foot from the fall and that Madisyn needed surgery. Sealesta additionally asserted Madisyn’s injuries and damages were directly caused by the negligent acts and omissions of Rouses. Sealesta filed an amended petition for damages on February 11, 2023, adding ABC Insurance Company as a defendant. On February 28, 2023, Rouses filed an answer to Sealesta’s petition and amended petition, generally denying Sealesta’s allegations. Rouses also affirmatively plead the terms, coverages, and contents of any policy of insurance issued to it.

A bench trial was held on July 10, 2025. Several witnesses testified, including Harmonee Price, Madisyn, Sealesta, Zachary Arcement, and Silas Rudzik. At the conclusion of the trial, the court took the matter under advisement. On July 31, 2025, the trial court signed a judgment awarding Sealesta on behalf of her minor daughter, Madisyn, \$50,000.00 in general damages, \$40,000.00 in special damages, and

\$6,000.00 in future medical expenses. Rouses appeals, contending that the trial court erred in its application of La. R.S. 9:2800.6.

DISCUSSION

In its sole assignment of error, Rouses contends that the trial court erred in its application of La. R.S. 9:2800.6. Sealesta's claims against Rouses are based upon delictual liability pursuant to La. R.S. 9:2800.6. Louisiana Revised Statutes 9:2800.6 provides:

A. A merchant owes a duty to persons who use his premises to exercise reasonable care to keep his aisles, passageways, and floors in a reasonably safe condition. This duty includes a reasonable effort to keep the premises free of any hazardous conditions which reasonably might give rise to damage.

B. In a negligence claim brought against a merchant by a person lawfully on the merchant's premises for damages as a result of an injury, death, or loss sustained because of a fall due to a condition existing in or on a merchant's premises, the claimant shall have the burden of proving, in addition to all other elements of his cause of action, all of the following:

(1) The condition presented an unreasonable risk of harm to the claimant and that risk of harm was reasonably foreseeable.

(2) The merchant either created or had actual or constructive notice of the condition which caused the damage, prior to the occurrence.

(3) The merchant failed to exercise reasonable care. In determining reasonable care, the absence of a written or verbal uniform cleanup or safety procedure is insufficient, alone, to prove failure to exercise reasonable care.

C. Definitions:

(1) "Constructive notice" means the claimant has proven that the condition existed for such a period of time that it would have been discovered if the merchant had exercised reasonable care. The presence of an employee of the merchant in the vicinity in which the condition exists does not, alone, constitute constructive notice, unless it is shown that the employee knew, or in the exercise of reasonable care should have known, of the condition.

(2) "Merchant" means one whose business is to sell goods, foods, wares, or merchandise at a fixed place of business. For purposes of this Section, a merchant includes an innkeeper with respect to those areas or aspects of the premises which are similar to those of a merchant,

including but not limited to shops, restaurants, and lobby areas of or within the hotel, motel, or inn.

D. Nothing herein shall affect any liability which a merchant may have under [La. C.C. arts.] 660, 667, 669, 2317, 2322, or 2695.

The failure to prove any of the requirements enumerated in La. R.S. 9:2800.6 is fatal to a plaintiff's cause of action. Whitaker v. Mueller, Inc., 2025-0528 (La. App. 1st Cir. 11/20/25), 2025 WL 3238654, *3 (unpublished). A claimant under La. R.S. 9:2800.6 also has the burden of proving the remaining elements of a negligence action: duty, breach, cause in fact, risk of harm within the scope of duty, and actual damages. Quereau v. Sam & Brett LLC, 2024-0243 (La. App. 1st Cir. 10/3/24), 405 So. 3d 847, 853.

The trier of fact's findings under La. R.S. 9:2800.6 are subject to the manifest error standard of review. It is well-settled that a court of appeal may not set aside a trial court's finding of fact in the absence of manifest error or unless it is clearly wrong. Thus, the issue to be resolved by a reviewing court is not whether the trier of fact was right or wrong, but whether the fact-finder's conclusion was a reasonable one. If the fact-finder's findings are reasonable in light of the record reviewed in its entirety, the court of appeal may not reverse, even if convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently. Mincey v. Rouse's Enterprises, LLC, 2023-0251 (La. App. 1st Cir. 11/3/23), 378 So. 3d 126, 128.

Rouses contends that Sealesta did not meet her burden of proving the requisite elements found in La. R.S. 9:2800.6(B)(1), (2), or (3). Specifically, Rouses asserts that Sealesta did not establish a condition that presented an unreasonable risk of harm or that risk of harm was reasonably foreseeable; did not prove that Rouses either created or had actual or constructive notice of the condition prior to the occurrence; and did not show that Rouses failed to exercise reasonable care.

Madisyn's older sister, Harmonee Price, testified that she was in Rouses with Madisyn at the time of the incident. Harmonee testified that she noticed the floor was really shiny and that Madisyn was walking like a "reasonable person" through the store. However, she later testified that she did not know if Madisyn was walking fast or slow or running because Madisyn was behind her. Harmonee specifically stated that she was walking in front of Madisyn at the time of the fall; she walked the same path as Madisyn; she did not see Madisyn fall; she did not know what Madisyn fell on; she did not know if there was any liquid on the floor; and she did not know if the floor was slippery. Additionally, Harmonee stated that Madisyn was wearing Crocs and that one of Madisyn's Crocs came off of her foot when she fell. Harmonee stated that she did not know if Madisyn fell or landed near the mat by the freezer, but she noticed that the mat was wet. She later testified that Madisyn fell between the mat and Madisyn's Croc, which was pictured in plaintiff's "Exhibit A," but not on the mat. Additionally, during trial Harmonee testified that Madisyn's pants were wet after the fall. However, during her deposition, she stated that Madisyn's pants were not wet after the fall.

Madisyn, who was 11 years old at the time of the accident, testified that when she walked into the store, she noticed the floor was very shiny. She stated that when she was walking there was a mat she did not see and that there was a wet spot she did not see. Madisyn's testimony at trial and during her deposition about the location of the fall was inconsistent. She stated both that she fell on the mat and that she did not fall on the mat. Madisyn testified that the floor was slippery where she fell and that she felt liquid. However, she later testified that there was nothing on the floor where she fell; she did not slip on water; she did not see anything wet; and the floor was just shiny. During the trial, counsel for Rouses showed Madisyn "Exhibit A," which was a photograph of her legs on the floor between the mat and her Croc. After viewing the photograph, Madisyn testified that she landed in the position that she

was pictured in when she fell. However, during her deposition, counsel for Rouses asked Madisyn if she landed in that position when she fell, and Madisyn answered, “No.” She further stated that she was wearing Crocs; she was not running at the time of the fall; and her pants were damp after she fell.

Madisyn’s mother, Sealesta, testified that the floor was shiny like it was just cleaned. She stated that she did not see Madisyn fall; she did not know where Madisyn fell; and she did not know what caused Madisyn to fall. She further stated that she did not know if Madisyn fell on the mat or on the floor. However, she had previously stated in her deposition that Madisyn fell between the mat and the Croc. Sealesta stated that she took the Croc off of Madisyn’s foot when she got to her. Sealesta also stated that she may have moved Madisyn towards the mat because people in the store were walking over her. Further, she stated that it looked like there was condensation underneath the mat “where the rug was” and that Madisyn’s pants were wet after the fall. Sealesta further testified at trial that Madisyn told her that she fell because the floor was “slick and wet.”

Zachary Arcement testified that he was the Grocery Director at Rouses on Airline Highway in Baton Rouge when the incident occurred, but he no longer works there. He testified that he did not see Madisyn fall. He further testified that he made an incident report, which stated that Madisyn claimed that she slipped on a slippery spot on the floor and fell while she was moving from the bakery section into the seafood section. He stated that he obtained this information from Sealesta, but he did not find a slippery spot on the floor. Zachary stated that he investigated the area and took photographs. Further, he stated that the photographs that he took show that there was nothing on the floor. Additionally, he testified that the mats are nonskid and are adhered to the floor and that Rouses does not wax their floor on a regular basis. Further, he testified that he spoke to another employee, Silas, who reported that Madisyn was running around toward the bakery and slipped by the bunker.

Silas Rudzik was a seafood associate at Rouses at the time of the incident, but he no longer works at Rouses. He testified that the incident report he filled out stated that Madisyn was running around towards the bakery, but she was really moving in a gliding motion. He further stated that he did not see Madisyn fall, but he saw her on the floor, so he reported it to his manager.

In considering the testimony and evidence admitted at trial, we find that Sealesta did not prove that there was a liquid substance on the floor at Rouses that caused Madisyn to slip and fall. None of the witnesses unequivocally testified that the floor was wet or that they saw a liquid substance on the floor. Madisyn was unable to declare, for example, whether she lost her footing on the mat or on the floor and offered no description of the liquid on the floor. Further, the photographs taken of the scene do not show any liquid substance on the floor. Additionally, the incident reports do not indicate that there was any liquid substance on the floor. After a thorough review of the record, we are unable to determine whether Madisyn slipped on the floor or on the mat. Since Sealesta did not isolate a specific condition that existed at Rouses that caused Madisyn's fall, she could not prove that such a condition presented an unreasonable risk of harm to Madisyn, nor that the risk of harm was reasonably foreseeable. It is impossible to analyze the offending condition when the condition cannot be identified. See Robinson v. Pointe Coupee Parish School Board, 2023-0215 (La. App. 1st Cir. 2/21/24), 2024 WL 702600, *5 (unpublished) (stating "Because the location of the incident is not established, it is difficult to determine whether a defect created an unreasonable risk of harm and caused the accident.").¹

Furthermore, Sealesta did not prove that Rouses created or had notice of any condition which caused the damage or that Rouses failed to exercise reasonable care.

¹ In Robinson, 2024 WL 702600, the plaintiff allegedly tripped at a school, so her claim was governed by La. R.S. 9:2800, not La. R.S. 9:2800.6.

Silas testified that there was an employee that would sweep and mop the floor in the evenings. Additionally, Zachary testified that Rouses maintains the floor with a mop machine that cleans and dries the floor at the same time and that Rouses did not have any prior notice that there was a slippery spot where Madisyn slipped. Zachary further testified that Rouses has floor cleaning procedures, which include sweeping and using a dust mop throughout the day and using the mop machine every night. He testified that if the floor is sticky, employees tasked with floor care will mop or address the situation right when they see the problem. Zachary stated that there is a floor care log or a manager floor inspection record, which is a document where an employee signs their name to indicate that they completed an hourly walk through and the floor was clean. He stated that during the walk through the employee verifies there is nothing slippery, sticky, or greasy on the floor, and the employee checks displays to make sure there is no tripping hazard. He testified that on the day of Madisyn's fall, the afternoon floor inspections were completed at 2:18 p.m., 3:00 p.m., 3:49 p.m., 4:52 p.m., 5:41 p.m., 6:48 p.m., 7:49 p.m., and 8:48 p.m. At those time intervals, the manager certified that he made "a visual inspection of the entire store and [assured] that all floor and display areas [were] free of any hazard." He further stated that the inspection at 4:52 p.m. was conducted less than an hour before Madisyn's fall. He also stated that if he found a hazard during his inspection, he was required to address it on the spot. Moreover, he stated that if another employee saw a spill, they could not leave the area, they were required to stand there until another staff member arrived, and then they would clean the spill or find floor care to clean it. Zachary stated that he had access to the floor care inspection verification program and reviewed it during his training period with Rouses.

After thorough review, we find that Sealesta is not entitled to recover under La. R.S. 9:2800.6 because she did not prove: a condition existed at Rouses; a condition presented an unreasonable risk of harm to Madisyn; the risk of harm was

reasonably foreseeable; Rouses created or had notice of any condition which caused Madisyn's injuries; or Rouses failed to exercise reasonable care. Therefore, the trial court's findings are not reasonable in light of the record reviewed in its entirety and were clearly wrong. This assignment of error has merit.

CONCLUSION

For the above and foregoing reasons, the July 31, 2025 judgment in favor of Sealesta Selders on behalf of her minor daughter, Madisyn Selders, and against Rouses Enterprises, LLC is reversed. All costs of this appeal are assessed one-half to Sealesta Selders on behalf of her minor daughter, Madisyn Selders, and one-half to Rouses Enterprises, LLC.

REVERSED.