

The Supreme Court of the State of Louisiana

LYDIA AMOS, ET AL.

No.2020-CC-00750

VS.

K-JON, INC., ET AL.

IN RE: K-Jon, Inc. - Applicant Defendant; Hallmark Specialty Insurance Company
- Applicant Defendant; Andrew Warren Treme - Applicant Defendant; Applying For
Supervisory Writ, Parish of Calcasieu, 14th Judicial District Court Number(s) 2018-
2848, Court of Appeal, Third Circuit, Number(s) CW 20-00060;

October 20, 2020

Writ application granted. See per curiam.

SJC

BJJ

JLW

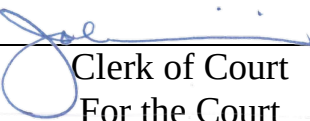
JTG

WJC

JHB

Hughes, J., would deny and assigns reasons.

Supreme Court of Louisiana
October 20, 2020



Clerk of Court
For the Court

10/20/20

SUPREME COURT OF LOUISIANA

NO. 2020-CC-0750

LYDIA AMOS, ET AL.

V.

K-JON, INC., ET AL.

**ON SUPERVISORY WRIT TO THE 14TH JUDICIAL DISTRICT
COURT, PARISH OF CALCASIEU**

PER CURIAM*

In this automobile accident case, plaintiff moved for partial summary judgment on the ground she was free from fault. The district court granted partial summary judgment in favor of plaintiff. Defendants applied to the court of appeal for supervisory review. A five-judge panel of the court of appeal denied writs, with two judges dissenting. Defendants now seek relief in this court.

We find the parties have presented two disputed versions of the facts of the accident, which will require the trier of fact to make credibility determinations. It is well settled the trial court cannot make credibility determinations on a motion for summary judgment. *Independent Fire Ins. Co. v. Sunbeam Corp.*, 1999-2181, p. 16-17 (La. 2/29/00), 755 So.2d 226, 236. Therefore, summary judgment is not appropriate.

Accordingly, the writ is granted. The judgment of the district court granting partial summary judgment in favor of plaintiff is reversed, and the case is remanded to the district court for further proceedings.

* Retired Judge James Boddie, Jr., appointed Justice pro tempore, sitting for the vacancy in Louisiana Supreme Court District 4