

The Supreme Court of the State of Louisiana

EMANUEL BAHAM

No. 2023-C-00623

VS.

FISK ELECTRIC COMPANY, REGIONAL
TRANSIT AUTHORITY, ALL STAR
ELECTRIC, INC. AND THE CITY OF NEW
ORLEANS

IN RE: Emanuel Baham - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of Orleans Civil, Orleans Civil District Court Number(s) 2015-05377, Court
of Appeal, Fourth Circuit, Number(s) 2022CA0551;

June 26, 2023

Writ application granted. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Supreme Court of Louisiana
June 26, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-C-00623

EMANUEL BAHAM

VS.

**FISK ELECTRIC COMPANY, REGIONAL TRANSIT AUTHORITY, ALL
STAR ELECTRIC, INC. AND THE CITY OF NEW ORLEANS**

On Writ of Certiorari to the Court of Appeal, Fourth Circuit, Parish of Orleans
Civil

PER CURIAM

Writ granted. Defendant is not entitled to judgment as a matter of law. First, there is conflicting testimony on whether the site of the incident was properly marked. Resolution of that testimony regarding a material fact is not appropriate for summary judgment. Second, while assumption of the duty is largely a legal question, the particular circumstances at issue here are closely intertwined with factual determinations, including whether Malone Electrical assumed the duty to control the work site and its safety. Third, material issues of fact remain regarding what control Malone Electrical had over the project and site. Summary judgment in favor of Malone Electrical is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. **REVERSED AND REMANDED.**