

The Supreme Court of the State of Louisiana

JOHNNY COVINGTON

No. 2023-CC-00496

VS.

CLARK SAND CO., INC., ET AL.

IN RE: Empire Abrasive Equipment Company, LP - Applicant Defendant; Applying For Supervisory Writ, Parish of East Baton Rouge, 19th Judicial District Court Number(s) 649436, Court of Appeal, First Circuit, Number(s) 2022 CW 1204;

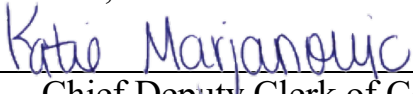
June 26, 2023

Writ application denied. See per curiam.

PDG
JLW
JDH
SJC
JTG
WJC
JBM

Crain, J., concurs.

Supreme Court of Louisiana
June 26, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-CC-00496

JOHNNY COVINGTON

VS.

CLARK SAND CO., INC.; CLEMCO INDUSTRIES CORPORATION F/K/A CLEMCO SERVICES CORP.; DEPENDABLE ABRASIVES, INC.; E.D. BULLARD COMPANY; EMPIRE ABRASIVE EQUIPMENT COMPANY, L.P.; LEHIGH HANSON, INC. (A SUBSIDIARY OF HEIDELBERGCEMENT GROUP) F/K/A HANSON AGGREGATES, INC. F/K/A HANSON AGGREGATES CENTRAL, INC. F/K/A PIONEER SOUTH CENTRAL, INC. F/K/A PIONEER CONCRETE OF TEXAS, INC.; INGERSOLL-RAND CORPORATION; LEROI COMPRESSOR A/K/A ROTARY COMPRESSION TECHNOLOGIES; 3M COMPANY; RUEMELIN MANUFACTURING CO., INC.; SANSTORM INC.; BOB SCHMIDT MANUFACTURING, INC.; SOUTHERN SILICA OF LOUISIANA, INC.; SPECIALTY SAND COMPANY; SULLAIR COMPRESSOR CORPORATION; AND TXI OPRATIONS, L.P

On Supervisory Writ to the 19th Judicial District Court, Parish of East Baton Rouge

PER CURIAM

Empire Abrasive Equipment Company, L.P. (“Empire”) filed a writ application seeking review of the denial of its motion for summary judgment. We ordered briefing in this matter pursuant to La. Code Civ. P. art. 966(H). Both parties filed briefs pursuant to that order.¹

Having reviewed the briefs, we find Empire’s original application to this court did not include a complete discussion of the evidence produced by plaintiff in opposition to Empire’s motion for summary judgment. Based on the information provided in plaintiff’s brief, we conclude the evidence submitted by plaintiff in opposition to Empire’s motion for summary judgment is sufficient to raise genuine issues of material fact.

Accordingly, the writ is denied.

¹ Along with his brief, plaintiff filed a motion to exceed page limits. That motion is granted.