

The Supreme Court of the State of Louisiana

GORDON S. CORMIER

No. 2025-C-00261

VS.

ENTERGY LOUISIANA, LLC

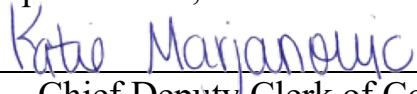
IN RE: Gordon S. Cormier - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of Calcasieu, 14th Judicial District Court Number(s) 2016-4476, Court of
Appeal, Third Circuit, Number(s) 24-341;

September 16, 2025

Writ application granted in part. See per curiam.

JMG
JLW
JDH
WJC
JBM
PDG
CRC

Supreme Court of Louisiana
September 16, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-C-00261

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VS.

ENTERGY LOUISIANA, LLC

**On Writ of Certiorari to the Court of Appeal, Third Circuit,
Parish of Calcasieu**

PER CURIAM

The Third Circuit overruled the trial court because it found “a public utility’s duty to repair a hole it creates in a right of way is limited in time” and that Cormier had “failed to produce any evidence that the hole was created within a year of Mr. Cormier’s fall.” *Cormier v. Entergy La., LLC*, 2024-341 (La. App. 3 Cir. 2/5/25), 407 So. 3d 17, 23 (citing *Hartford Accident & Indemnity Co, Inc. v. South Central Bell Telephone Co.*, 497 So. 2d 1034 (La. App. 3 Cir. 1986)).¹ There is no basis in law for the appellate court’s view that a plaintiff must additionally prove the defendant caused the defect within a limited time prior to the accident. There is a prescriptive period running from a plaintiff’s injury, not a peremptive period running from a defendant’s negligence. This legal error interdicted the appellate court’s manifest error review of the trial court’s decision.

We express no opinion concerning whether this record establishes that the plaintiff met his burden to prove the defendant’s negligence under La. C.C. art. 2315. This matter is remanded to the Court of Appeal, Third Circuit, for review of the trial court’s decision in accordance with the views expressed herein.

REVERSED AND REMANDED.

¹ *Hartford* involved pre-1996 law on strict liability. Those cases are inapplicable to the analysis under the current law. See *Campbell v. Orient-Express Hotels Louisiana, Inc.*, 24-00840 (La. 3/21/25), 403 So.3d 573, 580. The plaintiff is required to prove the five elements outlined in the duty/risk analysis. *Id.* at 580-81. It was legal error to impose an additional element of proof.