CHAD ALVIS PRESSER : NUMBER: 542,045-B

VERSUS : FIRST JUDICIAL DISTRICT COURT

JOSEPH JOHN GIGLIO AND : CADDO PARISH, LOUISIANA

CHERYL RINAUDO GIGLIO

D/B/A CENTRAL STATION

 **JUDGMENT ON DEFENDANTS’**

 **MOTION FOR SUMMARY JUDGMENT**

Having considered the Motion for Summary Judgment filed (August 3, 2011) by defendants Joseph and Cheryl Giglio, d/b/a Central Station, the affidavit in support thereof and memoranda; the opposition filed by plaintiff Chad Alvis Presser, including affidavits of Chad Alvis Presser, Michael J. Frenzel and Michael P. Bowman; the entire summary judgment record, applicable law and for reasons assigned[[1]](#footnote-1), the Court concludes that the motion should be denied. Accordingly:

**IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Summary Judgment filed August 3, 2011 by defendants Joseph and Cheryl Giglio, d/b/a Central Station is denied at defendants’ costs.**

Signed this 3rd day of April, 2012 in Shreveport, Caddo Parish, Louisiana.

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 SCOTT J. CRICHTON

 DISTRICT JUDGE

DISTRIBUTION:

J. Patrick Hennessy, counsel for Chad Alvis Presser

Ronald J. Miciotto, counsel for Joseph and Cheryl Giglio, d/b/a Central Station

1. The Court deems the issue presented by this motion to be close. On the one hand, ownership of the site of the injury seems clear, which militates in favor of defendants; on the other hand, it also is clear that the owner of a bar has a duty to provide reasonably safe premises, including a reasonably safe parking area. The case is further compounded with the time of night outside of a bar that the event occurred leading to a possible inference of plaintiff intoxication with either an assignment of substantial comparative fault or no liability fault at all. While the ownership of the ditch is important, the overriding issue appears to be duty to warn. The trier of fact - a judge in this case - will need to conduct a fact intensive examination of the evidence, perhaps even a site inspection, to fully address these important and genuine issues of material fact. [↑](#footnote-ref-1)