

Fifth Circuit Court of Appeal
State of Louisiana

No. 26-CA-43

PRINCETTA READUS

versus

NORTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY, INC., ET AL.

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 853-843 C/W 854-847, DIVISION "H"
HONORABLE DONALD L. FORET, JUDGE PRESIDING

September 23, 2026

TIMOTHY S. MARCEL
JUDGE

Panel composed of Judges Jude G. Gravois,
John J. Molaison, Jr., and Timothy S. Marcel

REVERSED; REMANDED

TSM
JGG
JJM



COUNSEL FOR PLAINTIFF/APPELLANT,
PRINCETTA READUS AND ASHLI HASAN

Myles D. Ranier
Aaron Broussard

COUNSEL FOR DEFENDANT/APPELLEE,
UBER TECHNOLOGIES, INC.

Paula M. Wellons
Caroline M. Murley

COUNSEL FOR DEFENDANT/APPELLEE,
UNITED FINANCIAL CASUALTY COMPANY AND GWENDOLYN
JONES

R. Todd Musgrave
Amanda H. Aucoin
Samuel C. Antonucci

MARCEL, J.

In this case arising from a rear-end automobile collision, plaintiffs Princetta Readus and Ashli Hasan appeal a November 5, 2025 judgment of the trial court granting two motions for summary judgment and dismissing with prejudice their claims against defendants United Financial Casualty Company and Gwendolyn Jones and defendants Uber Technologies, Inc. and Raiser, LLC. For the following reasons, we reverse the judgment of the trial court.

BACKGROUND

On February 11, 2024, plaintiffs were guest passengers in a 2015 Kia Optima operated as an Uber ride-hail vehicle by defendant Gwendolyn Jones. While traveling east on Interstate 10 near Causeway Boulevard in Jefferson Parish at approximately 7:28 P.M., the vehicle was rear-ended by a 2005 Chevrolet Silverado being driven by defendant John Michael Gupton. Plaintiffs allege that, immediately prior to the crash, defendant Ms. Jones missed an exit and ran up behind traffic at an excessive speed, which then led to excessive braking that contributed to being rear-ended. Ms. Jones alleges that, immediately prior to the crash, Mr. Gupton was not watching the road because he was reaching for his cellular phone that had fallen to the floorboard.

Plaintiffs filed a petition for damages in which they identified both Ms. Jones and Mr. Gupton as negligent for causing the accident. Both of these defendants filed answers denying liability for the accident.

Ms. Jones and her insurer, United Financial Casualty Company, filed a motion for summary judgment pursuant to La. C.C.P. art. 966 on the grounds that Ms. Jones bears no liability for the motor vehicle accident given that her vehicle was rear-ended by the vehicle driven by Mr. Gupton. Cited as support for their motion for summary judgment is La. R.S. 32:81(A), which provides for a rebuttable presumption that a following motorist who strikes a preceding motorist

from the rear has breached the standard of conduct and is therefore liable for the accident.

Defendants Uber and Raiser filed a motion for summary judgment that adopted and incorporated all of the arguments made by Ms. Jones and UFCC in their motion for summary judgment, and sought dismissal of plaintiffs' claims against them for the same reasons set forth in that motion. Defendants attached as evidence in support of their motions for summary judgment the deposition testimonies of Ms. Readus, Ms. Hasan, Ms. Jones, and Mr. Gupton. In opposition to the motion, plaintiffs included as evidence excerpts of certified GPS records showing the speed of Ms. Jones' vehicle immediately before the time of the accident as well as excerpts of messages sent to Uber support following the accident, in which plaintiffs related their story of Ms. Jones missing the exit, being distracted by her phone, and slowing down.

Following an October 27, 2025 hearing, the trial court on November 5, 2025 rendered judgment in favor of defendants granting their motions for summary judgment and dismissing with prejudice all claims of plaintiffs against Ms. Jones, UFCC, Uber, and Raiser. Plaintiffs' timely appeal of this judgment follows.

On appeal, plaintiffs argue that the trial court erred in granting the motions for summary judgment when genuine issues of material fact exist that should have precluded summary judgment. Plaintiffs also argue that the trial court legally erred by failing to assess the fault of all persons causing or contributing to plaintiffs' damages as required by Louisiana's comparative fault law. We consider these assignments of error in our discussion below.

DISCUSSION

Appellate courts review summary judgments *de novo* using the same criteria that govern the trial court's determination of whether summary judgment is appropriate. *Cantrelle v. Brady*, 22-272 (La. App. 5 Cir. 2/27/23), 359 So.3d 85

(citing *In re Succession of O’Krepki*, 16-50 (La. App. 5 Cir. 5/26/16), 193 So.3d 574, 577). A motion for summary judgment should be granted if, after an adequate opportunity for discovery, the motion, memorandum, and supporting documents show that there is no genuine issue as to material fact and that the mover is entitled to judgment as a matter of law. La. C.C.P. art. 966(A)(4). The burden of proof rests with the mover. La. C.C.P. art. 966(D)(1).

A genuine issue is one as to which reasonable persons could disagree; if reasonable persons could reach only one conclusion, there is no need for trial on that issue and summary judgment is appropriate. *Prussia v. Colley*, 24-614, p. 4 (La. App. 5 Cir. 5/14/25), 415 So.3d 450, 454. A material fact is one that potentially ensures or prevents recovery, affects a litigant’s ultimate success, or determines the outcome of the lawsuit. *Dillenkofer v. Marrero Day Care Ctr., Inc.*, 16-713, p. 3 (La. App. 5 Cir. 5/24/17), 221 So.3d 279, 282; *Nugent v. On-Call Nursing Agency & Associates Of New Orleans, Inc.*, 07-1022, p. 5 (La. App. 5 Cir. 3/25/08), 983 So.2d 128, 132. In deciding whether the evidence creates a genuine issue of material fact, the trial court cannot make credibility determinations, evaluate testimony, or otherwise weigh the evidence. *Prussia, supra*. Whether a particular fact in dispute is material can be seen only in light of the substantive law applicable to the case. *Melerine v. Jefferson Par. Sch. Bd.*, 16-469, p. 4 (La. App. 5 Cir. 2/8/17), 210 So.3d 929, 932.

La. R.S. 32:81(A) provides that “[t]he driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.” Under this statute, the following motorist in a rear-end collision is presumed to have breached the standard of conduct prescribed and is therefore presumed negligent. *Eastman v. State Farm Mut. Auto. Ins. Co.*, 2023-01107, p. 11 (La. 5/1/24), 384 So.3d 865, 874, *reh’g denied*, 2023-01107 (La. 6/27/24), 387

So.3d 547. A following motorist may rebut the presumption of negligence that arises when a rear-end collision occurs by proving that he had his vehicle under control, closely observed the preceding vehicle, and followed at a safe distance under the circumstances. *Id.* Alternatively, the following motorist may also avoid liability by proving that the driver of the lead vehicle negligently created a hazard that he could not reasonably avoid. *Id.* The presumption may be rebutted by establishing the unpredictable driving of the preceding motorist created a sudden emergency that the following motorist could not have reasonably anticipated. *Id.*

The presumption of negligence does not preclude the consideration of comparative fault. Notwithstanding the presumption of negligence, a favored motorist can still be assessed with comparative fault if his or her substandard conduct contributed to the cause of the accident. *Id.* (citing *Leblanc v. Bouzon*, 2014-1041, p. 4 (La. App. 3 Cir. 3/4/15), 159 So.3d 1144, 1147); see also *Graffia v. Louisiana Farm Bureau Casualty Insurance Co.*, 2008-1480, p. 7 (La. App. 1 Cir. 2/13/09), 6 So.3d 270, 274. Once the presumption of negligence attaches to the defendant, the ordinary rules of negligence apply and, thus, a plaintiff's damage award may be reduced by the degree that he was comparatively at fault. *Eastman, supra* (citing *Matherne v. Lorraine*, 2003-2369, p. 3 (La. App. 1 Cir. 9/17/04), 888 So.2d 244, 246).

A review of the deposition testimony provided as evidence on the motions for summary judgment in this case indicates that there are conflicting testimonies as to the conduct of Ms. Jones prior to the collision. Any determination as to whether her driving was negligent or contributed in any part to plaintiffs' damages as is required under Louisiana's regime of comparative fault requires a weighing of the evidence and credibility determinations that are inappropriate on a motion for summary judgment. Upon our *de novo* review, we find that genuine issues of material fact remain in this matter. Accordingly, the November 5, 2025 judgment

granting defendants' motions for summary judgment is reversed. We remand this case to the trial court for proceedings consistent with our decision herein.

REVERSED; REMANDED

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED
IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY
SEPTEMBER 23, 2026 TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL
PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in blue ink, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

26-CA-43

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE DONALD L. FORET (DISTRICT JUDGE)
MYLES D. RANIER (APPELLANT)
CAROLINE M. MURLEY (APPELLEE)
AMANDA H. AUCOIN (APPELLEE)
AARON BROUSSARD (APPELLANT)

JAMES K. ORDENEUX (APPELLEE)
JARED A. DAVIDSON (APPELLEE)
R. TODD MUSGRAVE (APPELLEE)

MATTHEW T. HABIG (APPELLEE)
PAULA M. WELLONS (APPELLEE)
SAMUEL C. ANTONUCCI (APPELLEE)

MAILED

NO ATTORNEYS WERE MAILED