

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

**DONNA LOU and DAREN PARSA, on
their own behalf and on behalf of their
deceased minor child, E.P.**

versus

**SHERIFF JOSEPH P. LOPINTO, III, et
al.**

CIVIL ACTION NO. 2:21-cv-00080

SECTION “D”

DIVISION (2)

JUDGE WENDY B. VITTER

MAGISTRATE DONNA P. CURRAULT

**DEFENDANTS VICTORY REAL ESTATE INVESTMENTS LA, LLC’S AND
WESTGATE INVESTORS NO, LLC’S d/b/a WESTGATE SHOPPING CENTER
MOTION FOR SUMMARY JUDGMENT**

NOW INTO COURT, through undersigned counsel, come Defendants Victory Real Estate Investments LA, LLC and Westgate Investors NO, LLC d/b/a Westgate Shopping Center (“Moving Defendants”), who respectfully move this Honorable Court to dismiss any and all claims filed by Plaintiffs Daren Parsa and Donna Lou, on their own behalf and on behalf of their deceased son, E.P. (collectively “Plaintiffs”), against the Moving Defendants.

Plaintiffs’ only claim against Moving Defendants, the owners of the property on which the incident at issue occurred, arises from a theory of vicarious liability for the actions of its private security detail. However, the undisputed record establishes that Moving Defendants had no control over the security detail’s training, policy, methods, or actions, thus there was no employer-employee relationship. As such, Moving Defendants cannot be vicariously liable.

Furthermore, and in the alternative, the private security detail’s actions did not cause any injury. If Moving Defendants were to be deemed vicariously liable for the private security detail’s

actions, the lack of injury caused by the security detail precludes liability on the part of Moving Defendants.

There are no issues of genuine material fact in regard to these issues. Thus, Moving Defendants are entitled to summary judgment as a matter of law.

WHEREFORE, for these reasons and the reasons more fully explained in the attached and incorporated Memorandum in Support, Moving Defendants respectfully request that this Honorable Court grant this Motion for Summary Judgment, dismissing all of Plaintiffs' claims against Defendants Victory Real Estate Investments LA, LLC and Westgate Investors NO, LLC d/b/a Westgate Shopping Center with prejudice.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, LLP

/s/ Christopher W. Kaul

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INVESTORS NO, LLC D/B/A WESTGATE
SHOPPING CENTER**

CERTIFICATE OF SERVICE

I hereby certify that to the best of my knowledge all counsel of record consent to and participate in receiving electronic notification from the CM/ECF system, and that the Clerk of the Court for the Eastern District of Louisiana, using the CM/ECF system, will electronically send notification of the filing of this pleading to all counsel of record.

By: /s/ Christopher W. Kaul
Christopher W. Kaul