

ERIKO MORATAYA, INDIVIDUALLY AND  
ON BEHALF OF HIS MINOR CHILD, STEVEN  
MORATAYA, AND YERLING JARQUIN ON  
BEHALF OF HER MINOR CHILD, STEVEN  
MORATAYA

NO. 25-C-415  
  
FIFTH CIRCUIT  
  
COURT OF APPEAL  
  
STATE OF LOUISIANA

VERSUS

MGA INSURANCE COMPANY, INC., MARVIN  
GARCIA SALINAS, AND JANE DOE



September 17, 2025

Linda Tran  
First Deputy Clerk

IN RE MGA INSURANCE COMPANY

**APPLYING FOR** SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,  
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE DANYELLE M.  
TAYLOR, DIVISION "O", NUMBER 834-416

Panel composed of Judges Marc E. Johnson,  
Scott U. Schlegel, and Timothy S. Marcel

**WRIT DENIED**

Defendant/Relator, MGA Insurance Company, Inc. (“MGA”), seeks  
supervisory review of the trial court’s denial of summary judgment in its favor on  
July 17, 2025. MGA argues that the trial court erred by denying summary  
judgment when MGA established that its insured, defendant, Marvin Garcia  
Salinas (“Mr. Salinas”), presented undisputed evidence that in 2017, he registered  
a 2012 Chevrolet Traverse in Louisiana and listed his primary address as Metairie,  
Louisiana. MGA asserts that (1) this was a material misrepresentation by Mr.  
Salinas; (2) Mr. Salinas breached the cooperation clause in the insurance policy;  
and (3) the trial court further erred in failing to apply the burden-shifting  
framework of La. C.C.P. art. 966(D)(4).



In support of its motion for summary judgment, MGA primarily relies upon the undisputed fact that the Chevrolet Traverse was registered in Louisiana in 2017. But this fact alone does not prove that Mr. Salinas made a material representation when he applied for insurance from MGA, nor does it shift the burden to plaintiffs. The Traverse was not added to his policy until January 29, 2022, over four years later. And Mr. Salinas initially insured another vehicle with MGA on January 29, 2020, suggesting that he may have moved out of Louisiana years after registering his vehicle in Louisiana.

Additionally, as it relates to MGA's claim that Mr. Salinas has failed to cooperate, this court finds "[f]rom the record before us we cannot tell if [Mr. Salinas] is an uncooperative insured or simply an uninformed insured who has moved and whose mail is not being forwarded." *See Williams v. Lowe*, 02-355 (La. App. 5 Cir. 10/16/02), 831 So.2d 334, 337.

Thus, we find no error in the trial court's denial of MGA's motion for summary judgment. Genuine issues of material fact exist.

Accordingly, the writ is denied.

Gretna, Louisiana, this 17th day of September, 2025.

**SUS**  
**MEJ**  
**TSM**



SUSAN M. CHEHARDY  
CHIEF JUDGE

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

JUDGES



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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

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**NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **09/17/2025** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**25-C-415**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Danyelle M. Taylor (DISTRICT JUDGE)  
Paula J. Ferreira (Respondent)  
Travis L. Bourgeois (Relator)

Miguel A. Elias (Respondent)  
Candace C. Chauvin (Relator)

**MAILED**

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