

SAVANAH MONTET

NO. 25-C-247

VERSUS

FIFTH CIRCUIT

LACIE RADOVICH, JEFFERSON PARISH
PARKS AND RECREATION DEPARTMENT,
AND JEFFERSON PARISH

COURT OF APPEAL
STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS


Morgan Naquin
Deputy, Clerk of Court

June 16, 2025

Morgan Naquin
Deputy Clerk

IN RE PARISH OF JEFFERSON

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE E. ADRIAN
ADAMS, DIVISION "G", NUMBER 854-779

Panel composed of Judges Fredericka Homberg Wicker,
John J. Molaison, Jr., and Timothy S. Marcel

WRIT DENIED

In this writ application, Jefferson Parish (the Parish) seeks our review of the May 7, 2025, judgment denying its exception of no cause of action. We deny this writ application for the following reasons.

The respondent, Savannah Montet, filed a petition alleging that on June 1, 2023, she attended a softball game between two teams in a recreation softball league operated and managed by the Parish at a park owned and operated by the Parish.¹ Ms. Montet alleged that after the game “arguments broke out between the two teams, after which both teams were instructed by agents of” the Parish to “leave the fields.” She alleged the “arguments spilled into the parking lot,” where

¹ Named as defendant in the petition are Lacie Radovich, who allegedly punched Ms. Montet, Jefferson Parish Parks and Recreation Department, and Jefferson Parish. Jefferson Parish filed the exception of no cause of action and this writ application.

another patron punched her in the face. Ms. Montet alleged that this “accident and injuries resulted from the gross and wanton negligence” of the Parish.

The Parish filed an exception of no cause of action, arguing that it had no duty to protect Ms. Montet from the criminal acts of a third party. Ms. Montet opposed the exception, conceding that in general there is no duty to protect others from a third party’s criminal acts, however, there is a duty to protect against a “predicable risk of assault,” reasoning that sports are “inherently competitive” making it “reasonably foreseeable for tensions to arise, leading to conflicts.” Ms. Montet argued that the Parish should have “had security available to protect its patrons.” Ms. Montet contends that players in this softball league were required to pay dues, making this a parish-sanctioned “for-profit adult recreation league.”

At the hearing on the exception, the Parish argued that it is not a for-profit business entity and had no duty to protect Ms. Montet from an unforeseeable criminal act. Ms. Montet argued that the Parish was “acting as a for-profit business” and it was foreseeable that “tension become high and become violent” at a competitive sporting event.

The purpose of the peremptory exception of no cause of action is to test the legal sufficiency of the petition by determining whether the law affords a remedy for the facts alleged in the petition. *5301 Jefferson Hwy, L.L.C. v. A. Maloney Moving & Storage, Inc.*, 23-211 (La. App. 5 Cir. 5/29/24), 392 So.3d 337, 348. The exception raises a question of law, and the appellate court conducts a *de novo* review of a trial court’s ruling based solely on the sufficiency of the petition. *Id.* This exception is triable on the face of the pleadings, and we must accept the well-pleaded facts in the petition as true to resolve issues raised by the exception. *Par. of Jefferson v. Bankers Ins. Co.*, 11-590 (La. App. 5 Cir. 2/28/12), 88 So.3d 1082, 1085, *writ denied*, 12-691 (La. 5/4/12), 88 So.3d 466.

The question is whether, on the face of the petition, accepting all allegations as true, the petition states a valid cause of action for relief. *Am. Rebel Arms, L.L.C. v. New Orleans Hamburger & Seafood Co.*, 15-599 (La. App. 5 Cir. 2/24/16), 186 So.3d 1220, 1222. We do not consider the likelihood that the plaintiff will prevail at trial or that the defendant has a valid defense. *5301 Jefferson Hwy, L.L.C.*, 392 So.3d at 349. The trial of the exception is solely on the face of the pleadings, and the court may not go beyond the petition to the case's merits. *Wood v. Omni Bancshares, Inc.*, 10-216 c/w 10-567 (La. App. 5 Cir. 4/26/11), 69 So.3d 475, 480.

In her petition, Ms. Montet alleges she was at a park owned and operated by the Parish to attend a softball game in a league operated and managed by the Parish. She alleges that "arguments broke out" after the game and both teams were "instructed by agents" of the Parish to leave the fields. The arguments "spilled into the parking lot," where another patron punched her. She alleged the incident resulted from the "gross and wanton negligence" of the Parish, that the Parish failed "to avoid any and all dangerous situations then and therein existing on the premises," allowing a "dangerous situation to exist," and failed to "train and/or instruct employee safety precautions."

Our inquiry is whether, when viewed in the light most favorable to the plaintiff and with every doubt resolved in favor of the plaintiff, the petition states any valid cause of action for relief. *Terrebonne Par. Consol. Gov't v. Duval, Funderburk, Sundbery, Richard & Watkins, APLC*, 21-0578 (La. App. 1 Cir. 2/18/22), 340 So.3d 1099, 1105, *writ denied*, 22-470 (La. 5/10/22), 337 So.3d 910. We must give every reasonable interpretation to the language in the petition to maintain its sufficiency and allow the plaintiff to present evidence at trial. *Id.*

Applying these principles to this case, the allegations made in the petition are sufficient to state a cause of action against the Parish, assuming the alleged facts are true.

Based on the foregoing, the trial court correctly denied the exception of no cause of action. We deny this writ application for the reasons stated above.

Gretna, Louisiana, this 16th day of June, 2025.

JJM
FHW
TSM

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
GRETN, 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 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 **06/16/2025** 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-247

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable E. Adrian Adams (DISTRICT JUDGE)
Loren C. Marino (Relator)

Colin C. Cisco (Relator)

MAILED

Lacy Radovich (Respondent)
In Proper Person
430 Incarnate Word Dr.
Kenner, LA 70065

Benjamin J. Birdsall, IV (Respondent)
Benjamin J. Birdsall, III (Respondent)
Attorney at law
918 Poydras Street
2nd Floor
New Orleans, LA 70112

Arianna M. A, Birdsall (Respondent)
Attorney at law
918 Poydras Street
2nd Floord
New Orleans, LA 70112