

Judgment rendered August 26, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 2166,
La. C.C.P.

No. 57,007-CA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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BRIGETTE SNOWDEN SWAYZER	Plaintiff-Appellant
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versus

INTERSTATE HYUNDAI	Defendant-Appellee
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Appealed from the
Fourth Judicial District Court for the
Parish of Ouachita, Louisiana
Trial Court No. C-20233487

Honorable Frederick D. Jones, Judge

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BRIGETTE SNOWDEN SWAYZER	In Proper Person, Plaintiff-Appellant
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H. CAMERON MURRAY & ASSOCIATES By: H. Cameron Murray	Counsel for Defendant- Appellee
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Before PITMAN, ROBINSON, and HUNTER, JJ.

PITMAN, C. J.

Plaintiff-Appellant Brigitte Snowden Swayzer appeals the district court's determination that she is judicially estopped from pursuing her claim and its granting of summary judgment in favor of Defendant-Appellee Interstate Hyundai, Inc. ("Hyundai").¹ For the following reasons, we affirm.

FACTS

On September 20, 2023, Swayzer filed a petition against Hyundai (the "Claim"). She stated that on April 24, 2023, her 2014 Hyundai Sonata (the "Sonata") was towed to Hyundai for an engine replacement. She alleged that Hyundai still had the Sonata and had not repaired it. She stated that she no longer wanted the Sonata returned but requested damages, including \$7,500 for the value of the Sonata and \$60 for each day Hyundai had the Sonata.

On October 11, 2023, Hyundai filed an answer and exceptions.

On April 4, 2025, Hyundai filed a motion for summary judgment. It stated that in June 2023, Swayzer filed for Chapter 13 bankruptcy, which required her to declare all assets she owned and all claims she had against others. It alleged that she failed to declare the Sonata and the Claim. It requested that the district court declare Swayzer judicially estopped from seeking the replacement value of the Sonata, as permitting her to proceed with this Claim would allow her to profit at the expense of her creditors.

On June 6, 2025, Swayzer filed an opposition. She stated that she did not intentionally fail to disclose the Sonata as an asset. She explained that the omission was due to confusion regarding the Sonata's status and her

¹ In her original petition, Swayzer named "Interstate Hyundai" as the defendant. In an amended petition, she changed the defendant to "Interstate Hyundai, Inc."

understanding of her obligations during the bankruptcy process. She alleged that Hyundai dismantled the Sonata, so it had no value in that state.

A hearing on the motion for summary judgment was held on December 11, 2025. Swayzer's counsel stated that she amended her bankruptcy case to add the Sonata as an asset. Hyundai's counsel responded that this information was not included as evidence in the pleadings. The court stated that although there are questions as to whether Swayzer believed the Sonata's dismantled state made it an asset or debt, she should have amended the bankruptcy to include the Sonata and the Claim. The court granted summary judgment in favor of Hyundai.

On January 16, 2025, the district court signed a judgment granting summary judgment, estopping Swayzer from pursuing the Claim and dismissing the matter with prejudice.

Swayzer appeals.

DISCUSSION

Swayzer argues that the district court erred in applying the doctrine of judicial estoppel and granting summary judgment. She contends that a genuine issue of material fact remains regarding the condition and the value of the Sonata. She contends that judicial estoppel does not apply because she proved to the bankruptcy trustee that she inadvertently omitted the Sonata and that the trustee added it to her bankruptcy plan in July 2025.

Hyundai argues that judicial estoppel must be applied in this case and that the district court properly granted summary judgment. It contends that as Swayzer failed to disclose the Sonata and the Claim as assets to the bankruptcy court, she is estopped from stating that she owns the Sonata and from asserting the Claim. It argues that Swayzer did not act inadvertently in

omitting the Sonata as an asset because she placed a \$7,500 value on it in her petition. It notes that Swayzer did not provide any document evidencing an amendment to the bankruptcy. It argues that allowing Swayzer to proceed with this Claim would allow her to profit from her dishonesty, which undermines the integrity of the judicial system.

Judicial estoppel is a common law doctrine by which a party who has assumed one position in his pleadings may be estopped from assuming an inconsistent position. *Thomas v. Econ. Premier Assur. Co.*, 50,638 (La. App. 2 Cir. 5/18/16), 196 So. 3d 7, *writs denied*, 16-1169, 16-1177 (La. 10/28/16), 208 So. 3d 377, 378. The purpose of the doctrine is to protect the integrity of the judicial process by preventing parties from playing fast and loose with the courts to suit the exigencies of self-interest. *Id.* The doctrine is generally applied where intentional self-contradiction is being used as a means of obtaining unfair advantage in a forum provided for suitors seeking justice. *Id.*

When judicial estoppel is raised in the context of a bankruptcy case, federal law applies. *Tates v. Integrated Prod. Servs., Inc.*, 51,574 (La. App. 2 Cir. 9/27/17), 244 So. 3d 716, *writ denied*, 17-1825 (La. 12/15/17), 231 So. 3d 644. The U.S. Fifth Circuit Court of Appeals has recognized three requirements for applying the doctrine of judicial estoppel in bankruptcy cases: (1) the party's position must be clearly inconsistent with the previous one; (2) the court must have accepted the previous position; and (3) the nondisclosure of an asset must not have been inadvertent. *Id.*, *citing Allen v. C & H Distributors, L.L.C.*, 813 F.3d 566 (5th Cir. 2015).

The inconsistent position requirement is generally met when a debtor does not disclose an asset to the bankruptcy court but then pursues a claim in

a separate tribunal based on the undisclosed asset. *Tates v. Integrated Prod. Servs., Inc., supra*. Chapter 13 debtors have a continuing duty to disclose post-petition causes of action to the bankruptcy court. *Id.* The judicial acceptance element ensures that judicial estoppel is only applied in situations where the integrity of the judiciary is in jeopardy. *Thomas v. Econ. Premier Assur. Co., supra*. Absent judicial acceptance of the inconsistent position, application of the rule is unwarranted because no risk of inconsistent results exists. *Id.* The debtor's nondisclosure of an asset is only inadvertent when he either lacks knowledge of the undisclosed claim or has no motive to conceal it. *Id.* A motivation to conceal may be shown by evidence of a potential financial benefit that could result from concealment. *Id.*

Federal courts review judicial estoppel determinations for abuse of discretion even when the district court granted summary judgment on that basis. *Thomas v. Econ. Premier Assur. Co., supra*. Because judicial estoppel is an equitable doctrine, courts may apply it flexibly to achieve substantial justice. *Id.*

In this case, the three requirements for applying the doctrine of judicial estoppel are met. Swayzer's position in her Claim is clearly inconsistent with her bankruptcy case. Swayzer is pursuing this Claim for the value of the Sonata while failing to disclose these assets to the bankruptcy court. Hyundai attached to its motion for summary judgment a copy of Swayzer's Form 106A/B on which she was to list her assets for the bankruptcy court. The only vehicle she listed was a Chevrolet Malibu, and she stated that she did not have any claims against third parties, "whether or not [she had] filed a lawsuit or made a demand for payment." Although

Swayzer alleged at the hearing on the motion for summary judgment and on appeal that she amended this form to add the Sonata and the Claim, evidence of this amendment is not in the record. Swayzer filed a motion to supplement the appellate record with her bankruptcy documents, and this court denied the motion as the documents were never introduced into evidence at the district court.

As Swayzer's alleged amended Form 106A/B is not in the record, this court finds that the bankruptcy court accepted her original Form 106A/B in which she declared under penalty of perjury that she provided a true and correct list of her assets and did not include the Sonata or the Claim.

Swayzer's nondisclosure of the Sonata and the Claim were not inadvertent. She had a duty to list the Sonata and the Claim as assets when she filed her Form 106A/B with the bankruptcy court but intentionally failed to do so. She had a financial motive to conceal these assets from the bankruptcy court because of the possibility that she could keep any awarded damages rather than the damages being distributed to creditors.

As the record shows that Swayzer pursued her Claim in district court while omitting the Sonata and the Claim as assets in her bankruptcy disclosures, summary judgment is appropriate in this case under the principle of judicial estoppel. The district court did not abuse its discretion in applying the doctrine of judicial estoppel, granting Hyundai's motion for summary judgment and dismissing Swayzer's petition with prejudice.

Accordingly, these assignments of error lack merit.

CONCLUSION

For the foregoing reasons, we affirm the district court's application of the doctrine of judicial estoppel and its granting of summary judgment in

favor of Defendant-Appellee Interstate Hyundai, Inc. Costs of this appeal are assessed to Plaintiff-Appellant Brigitte Snowden Swayzer.

AFFIRMED.