Judgment rendered November 18, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 2166,
La. C.C.P.

No. 57,116-CA
No. 57,117-CA
(Consolidated Cases)

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

* * * * *

No. 57,116-CA

SHASTA GRAY, INDIVIDUALLY AND ON BEHALF OF HER DAUGHTER JULIA PATTON, DECEASED
Plaintiffs-Appellees

versus

UNDERWRITERS AT LLOYD'S LONDON, COMSTOCK RESOURCES, INC., COMSTOCK OIL & GAS LOUISIANA, INC., PRO FRAC SERVICES, LLC, DRIQ & TIFF'S TRUCKING, LLC MODRIQUES DEANDRE ROOTS
Defendants-Appellees

No. 57,117-CA

KATHRYN MCDONALD, IN HER CAPACITY AS LEGAL GUARDIAN OF ELIJAH KOL GRAY
Plaintiffs-Appellants

versus

COMSTOCK RESOURCES, INC.; COMSTOCK OIL & GAS-LOUISIANA, LLC; PROFRAC SERVICES, LLC; SANDBOX LOGISTICS, LLC; MODRIQUES ROOTS; DRIQ & TIFF'S TRUCKING, LLC; AND MENCAR, LLC
Defendants-Appellees

* * * * *

Appealed from the
Forty-Second Judicial District Court for the
Parish of DeSoto, Louisiana
Trial Court Nos. 82,188 and 82,973

Honorable Nicholas E. Gasper, Judge

* * * * *

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* * * * *

Before HUNTER, MARCOTTE, and ELLENDER, JJ.

HUNTER, J.

Plaintiff, Kathryn McDonald, in her capacity as legal guardian of Elijah Kol Gray, appeals a district court's judgment granting motions for summary judgment filed by defendants, Modriques Roots, Driq & Tiff's Trucking, LLC, Mencar, LLC, Sandbox Logistics, LLC, and Sandbox Transportation, LLC. For the following reasons, we affirm.

FACTS

On September 9, 2020, at approximately 4:30 a.m., defendant Modriques Roots was operating an 18-wheeled tractor-trailer on Louisiana Highway 765, a two-lane highway in DeSoto Parish. Roots, who was in the process of delivering frack sand to an oil well site, had activated his right turn signal and was waiting for another tractor-trailer to exit the private well access road. While waiting for the other truck to exit the access road, Roots stopped the tractor-trailer in the highway's northbound lane of travel for approximately two minutes.

Meanwhile, Julia Patton was operating a Jeep Patriot and was traveling in the northbound lane of Hwy 765. Jaylie Gray ("Ms. Gray") and Troy Jordan were passengers in the vehicle. Ms. Patton approached Roots from the rear and collided with the back of the tractor-trailer. Ms. Patton and Ms. Gray died as a result of injuries sustained in the collision, and Mr. Jordan was severely injured.

Subsequently, plaintiff, Kathryn McDonald, Ms. Gray's mother, filed a wrongful death/survival lawsuit in her capacity as the legal guardian of Ms. Gray's minor child, Elijah Kol Gray. Named as defendants were Comstock Resources, Inc., Comstock Oil & Gas-Louisiana, LLC, ProFrac

Services, LLC,[1] Sandbox Transportation, LLC, Sandbox Logistics, LLC, Modriques Roots, Driq & Tiff's Trucking, LLC, and Mencar, LLC.[2] Driq & Tiff's, LLC was the owner of the truck operated by Roots at the time of the collision, and Sandbox Transportation was the owner of the trailer. Mencar, LLC was the motor carrier for which Roots was driving.[3]

In the petition, plaintiff alleged, *inter alia*, Roots was negligent in stopping in the right lane of travel during the dark, predawn hours. Plaintiff also alleged Mencar was negligent for failing to properly recruit and train its drivers and for failing to assess the location to which its drivers were required to deliver. Additionally, plaintiff alleged Sandbox was negligent for failing to properly assess the location at which it directed drivers to deliver loads of sand. More specifically, plaintiff asserted the size of the vehicles employed to transport the sand prohibited them from suitably entering and exiting the driveway leading to the site; therefore, the trucks were required to stop in a traffic lane of the public highway.

Subsequently, plaintiff filed an amended petition alleging Sandbox Transportation was negligent in investigating and selecting Mencar as a motor carrier to transport goods of public roadways. Plaintiff also alleged Sandbox had control of and responsibility for the equipment and its driver,

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[1] Plaintiff's claims against Comstock Oil & Gas-Louisiana, LLC, Comstock Resources, Inc., and ProFrac Services, Inc. were compromised, and all claims against those defendants were dismissed.

[2] Ms. Patton's mother, Shasta Gray, also filed a lawsuit individually and on behalf of her deceased daughter against the same defendants. The lawsuits were consolidated by a consent judgment dated August 25, 2022. The claims asserted by Shasta Gray are not at issue in this appeal and will not be discussed herein.

[3] ProFrac Services was the operator of the fracking project at the well site to which Roots was transporting the fracking sand. ProFrac hired Sandbox Transportation to transport the sand from Arkansas to the well site, and in turn, Sandbox Logistics, the affiliate freight broker for Sandbox Transportation, made arrangements with Mencar to transport the sand.

Roots, was Roots' statutory employer and was therefore vicariously liable for Roots' actions. Plaintiff further alleged Mencar was negligent in failing to properly screen, train, and supervise Roots and was vicariously liable for Roots' actions.

Mencar, LLC, Roots, and Driq & Tiff's Trucking, LLC (collectively "the Mencar defendants") filed a motion for summary judgment arguing Roots did not breach any duty owed regarding the following vehicle/rear-end presumption set forth in La. R.S. 32:141(A). They also argued plaintiff failed to produce any competent evidence to establish a genuine issue of material fact. According to the Mencar defendants, Ms. Patton was solely liable for the injuries sustained because she was driving the following vehicle, was traveling 62 miles per hour in a 55 mile per hour speed zone, there was nothing to impair her visibility, and there was no evidence that she applied her brakes or took any evasive action prior to the impact.

Sandbox Logistics, LLC and Sandbox Transportation, LLC (collectively "Sandbox") also filed a motion for summary judgment arguing plaintiffs failed to demonstrate that Roots breached a duty to Ms. Gray. They argued Roots was lawfully traveling on the highway when he observed an oncoming motorist, Carlos Douglas, traveling on the adjacent private oilfield road. The private road was the access point to Roots' destination, Roots temporarily stopped to allow Douglas to exit the road to successfully execute his right turn, and Ms. Patton struck his tractor-trailer from the rear. Therefore, Ms. Patton, as the following motorist, was presumed to be at fault for causing the rear-end collision.

Following a hearing, the district court granted both motions for summary judgment. The court found the rulings in *Hester v. Walker*, 20-

01278 (La. 5/13/21), 320 So. 3d 362, and *Liles v. Great West Cas. Ins. Co.*, 54,565 (La. App. 2 Cir. 7/13/22), 342 So. 3d 1160, were "on point."

Plaintiff appeals.

DISCUSSION

Plaintiff contends the district court erred in granting the motions for summary judgment. She argues the court misapplied the rulings in *Hester*, *supra*, and *Liles*, *supra*, and improperly relied on those cases. She also argues she submitted sufficient evidence to establish that Roots breached a duty by violating La. R.S. 32:141(A).

A summary judgment is reviewed de novo, with the appellate court using the same criteria that govern the trial court's determination of whether summary judgment is appropriate, *i.e.*, whether there is any genuine issue of material fact and whether the movant is entitled to judgment as a matter of law. *Samaha v. Rau*, 07-1726 (La. 2/26/08), 977 So. 2d 880; *Logan v. Richland Par. Hosp.*, 56,127 (La. App. 2 Cir. 4/9/25), 408 So. 3d 1208, *reh'g denied* (5/15/25), *writ denied*, 25-00760 (La. 10/1/25), 417 So. 3d 570. A motion for summary judgment shall be granted if 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)(3); *Staten v. Glenwood Reg'l Med. Ctr.*, 53,220 (La. App. 2 Cir. 1/29/20), 290 So. 3d 280, *writ denied*, 20-00591 (La. 9/23/20), 301 So. 3d 1184.

The burden of proof on a summary judgment motion remains with the mover. La. C.C.P. art. 966(D)(1). However, if the mover will not bear the burden of proof at trial on the issue that is before the court on the motion for summary judgment, the mover's burden on the motion does not require him

to negate all essential elements of the adverse party's claim, action, or defense, but rather to point out to the court the absence of factual support for one or more elements essential to the adverse party's claim, action, or defense. The burden is on the adverse party to produce factual support sufficient to establish the existence of a genuine issue of material fact or that the mover is not entitled to judgment as a matter of law. *Id*. If the opponent of the motion fails to do so, there is no genuine issue of material fact and summary judgment should be granted. *Staten*, *supra*.

A fact is "material" when its existence or nonexistence may be essential to plaintiff's cause of action under the applicable theory of recovery. *Peironnet v. Matador Res. Co.*, 12-2292 (La. 6/28/13), 144 So. 3d 791; *McGee v. Ashford Place Apartments, LLC*, 54,795 (La. App. 2 Cir. 11/16/22), 351 So. 3d 899. A genuine issue is one regarding which reasonable persons could disagree; if reasonable persons could reach only one conclusion, there is no need for a trial on that issue and summary judgment is appropriate. *Hines v. Garrett*, 04-0806 (La. 6/25/04), 876 So. 2d 764; *McGee*, *supra*.

Furthermore, in determining whether an issue is genuine, a court should not consider the merits, make credibility determinations, evaluate testimony, or weigh evidence. *McGee*, *supra*; *Marioneaux v. Marioneaux*, 52,212 (La. App. 2 Cir. 8/15/18), 254 So. 3d 13. Finally, the court must draw those reasonable inferences from the undisputed facts which are most favorable to the party opposing the motion; likewise, all doubt must be resolved in the opposing party's favor. *McGee*, *supra*; *Wyrick v. Golden Nugget Lake Charles, LLC*, 20-0665 (La. App. 1 Cir. 12/30/20), 317 So. 3d 708.

A threshold issue in a negligence action is whether the defendant owed the plaintiff a duty. *Hester*, *supra*; *Lemann v. Essen Lane Daiquiris, Inc.*, 05-1095 (La. 3/10/06), 923 So. 2d 627. Whether a duty is owed is a question of law. *Hester*, *supra*; *Peterson v. Gibraltar Savings & Loan*, 98-1601, 98-1609 (La. 5/18/99), 733 So. 2d 1198; *Faith in Farming Co., L.L.C. v. State, Dep't of Transp. & Dev.*, 55,011 (La. App. 2 Cir. 4/19/23), 361 So. 3d 1132, *writ denied*, 23-00708 (La. 9/26/23), 370 So. 3d 477.

According to plaintiff, defendants breached a duty imposed by La. R.S. 32:141(A), which provides:

> Upon any highway outside of a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of the said highway.

La. R.S. 32:141 is designed to protect against the risk that a driver, whether cautious or inattentive, would collide with a stationary vehicle. *Hester*, *supra*; *Laird v. Travelers Ins. Co.*, 263 La. 199, 267 So. 2d 714 (La. 1972). The statute does not delineate any temporal period for determining whether a vehicle has been stopped. Nonetheless, the jurisprudence has recognized La. R.S. 32:141 does not apply to vehicles which are stopped on a highway on a temporary or momentary basis while waiting to turn. *Hester*, *supra*; *Liles*, *supra*; *Jenkins v. Hernandez*, 19-0874 (La. App. 1 Cir. 6/3/20), 205 So. 3d 365.

Additionally, the 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. La. R.S. 32:81(A). A presumption of negligence arises when a following motorist is involved in a rear-end collision. This is because a

following motorist who collides with a leading vehicle is presumed to have breached the duties set forth in La. R.S. 32:81(A). *Brewer v. J.B. Hunt Transport, Inc.*, 09-1408, 09-1428 (La. 3/16/10), 35 So.3d 230; *Howard v. GEICO Cas. Co.*, 22-605 (La. App. 3 Cir. 3/29/23), 364 So. 3d 489.

In *Hester*, *supra*, the driver of a tractor-trailer stopped in the lane of travel while waiting to execute a left turn. The tractor-trailer had been stopped for 27 seconds because the driver was unable to complete a left turn due to oncoming traffic and a tractor-trailer which had blocked the driveway onto which he was attempting to turn. The following vehicle struck the rear of the tractor-trailer. The Louisiana Supreme Court found the driver of the tractor-trailer did not breach a duty under R.S. 32:141(A). The Court held that R.S. 32:114 prohibits stopping a vehicle in a travel lane of a highway when it is practicable to leave the vehicle off the highway, and "[a]ny interpretation which would apply the statute to a brief temporary stop made as a matter of necessity in the course of ordinary traffic would result in absurd consequences." *Id*. at 367. The Court specifically noted that the plaintiffs failed to present any evidence to establish that the driver of the tractor-trailer "intended to remain stopped for any appreciable period of time after it became safe for him to complete his turn." *Id*., at 368.

In *Liles*, *supra*, the driver of the tractor-trailer activated his hazard lights and attempted to execute a right turn onto the driveway of a business; however, he discovered that three parked trucks blocked his path. The driver was unable to pull the tractor-trailer completely off the highway, and he stopped with the trailer partially obstructing the right lane of the roadway for approximately two minutes. The plaintiff rear-ended the back of the

trailer. The district court granted the defendants' motion for summary judgment, and citing *Hester*, *supra*, this Court affirmed. We stated:

> We hold that it was not a breach of duty for [the driver of the tractor-trailer] to commence the right turn when he could not determine beforehand that he would be able to immediately complete the turn. As recognized in *Hester*, *supra*, motor vehicles often temporarily stop in a lane of travel and do so for various reasons, including waiting to make a turn and avoiding hitting pedestrians in a crosswalk. In making a right turn, the motorist's duties to following traffic are satisfied if the turning motorist decelerates at a reasonable rate and timely activates the appropriate signal lights. A motorist's duty of care obviously does not prohibit stopping in the lane of travel and waiting to commence or complete a turn. Indeed, a motorist generally may stop in the appropriate lane of the roadway and wait to commence a turn when the say is not clear. Similarly, when a motorist commences a right turn without being able to ascertain in advance whether the turn can be completed, the motorist may stop the vehicle in the roadway if an obstruction prevents completion of the turn.

Id. at 1166-7.

In the instant case, in support of the motion for summary judgment, defendants submitted into evidence Roots' "Driver/Witness Voluntary Statement" prepared in conjunction with the State of Louisiana's Uniform Motor Vehicle Traffic Crash Report. Roots stated as follows:

> I was northbound [on Hwy.] 765[.] I was at a complete stop with sign[al] light on waiting to turn right when another truck was coming out[.] [A]bout [two] min[utes] later I heard a boom[.] I came out my seat[,] look[ed] in my [mirror and] saw [the] SUV on the left back of my trailer.

Defendants also introduced into the record excerpts from Roots' deposition. Roots acknowledged his previous statement that he had stopped for two minutes while waiting to make the turn. However, during his deposition, he testified estimated the timing "off the top of [his] head," it could have been less than two minutes, but he stated he was sure it was no

longer than two minutes. Roots testified he was at a complete stop, and he was utilizing his turn signal.

Defendants also submitted the statement signed by Carlos Douglas, the driver of the exiting tractor-trailer on which Roots was waiting to exit the lease road. In his statement, Douglas declared as follows:

> I was leaving off lease road. A truck was coming from my left. They slowed and turn[ed] on signal light. I looked to see if any traffic was coming from the opp[o]site direction, heard a loud crashing noise. A vehicle had hit the truck turning from behind.

The record also contains excerpts from Douglas' deposition in which he testified as follows:

> I was leaving off the lease road. Where you turn on the lease road at, it's a gate, cattle guard there. Only one truck can come in and out at a time right there. *** I was already staged to come out. [Roots] was pulling up on the road, had his signal light and stuff on. Like I said, I checked to look to see if any traffic was coming the other way. The next thing I know, they had the accident. *** From the way the lease road is, it's on – it was on, like a little hill, and then it was kind of – it's open pasture, so I [saw] him from a pretty good distance away that he was coming. *** Like I say, he was getting ready to come into the – or slowing down. You know, had his signal light and everything on to turn in there. I mean, because everybody knows when you're coming in it's only going to be either one guy coming out or one guy coming in a time right there[.] *** [T]here is no way that both of us is going to simultaneously, I mean at the same time, make that turn. *** So either one of us – one guy has to go or the other guy has to go. And then once he's completed the turn and out the way, then the other guy can get – get in and out.

Douglas further testified he had made deliveries to the site on multiple occasions, and in his experience, two vehicles could not fit side by side at the entrance to the lease road. He stated in the past, he had to stop his tractor-trailer on the road to allow other drivers to exit the road before he could turn onto the road. Douglas testified that although the "mouth" of the lease road is wide, it is "tight" in the area where the cattle gate is located.

Douglas was unable to gauge the amount of time that elapsed between the time he saw Roots' truck and the time of the collision. However, he stated he believed it was "about a minute."

Additionally, defendants introduced into evidence the video deposition of Louisiana State Trooper Michael Antilley. Trooper Antilley testified he investigated the fatal accident in dispute. He stated it was dark when the accident occurred, but the weather was clear, the roadway was dry, and there were no obscurements to impede Ms. Patton's visibility. He also stated the data obtained from Ms. Patton's vehicle revealed her vehicle was traveling 62 miles per hour in a 55 miles per hour speed zone, and there was nothing to indicate she applied her brakes or took any other evasive action before striking the rear of the tractor-trailer. Trooper Antilley further testified he inspected the tractor-trailer operated by Roots, the headlights, taillights, brake lights, and turn signals were all in proper working condition, and the reflective tape on the back of the trailer was intact. After investigating the accident, Trooper Antilley opined the tractor-trailer operated by Roots should have been visible to traffic approaching from behind, Roots did not commit any traffic violations, and the collision was caused by Ms. Patton's inattentiveness.[4]

Defendants also introduced into the record the deposition of Lt. Joseph Mondello of the Louisiana State Police. Lt. Mondello agreed with Trooper Antilley's opinion that the accident was caused by Ms. Patton, and Roots did not do anything to cause the collision.

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[4] In the accident report, Trooper Antilley stated, "The primary factor in the crash was determined to be 'Driver Violation,' specifically Driver 1 [Ms. Patton] failed to Yield to Vehicle 2 that was stopped preparing to make a right turn."

In opposition to the motions for summary judgment, plaintiff introduced into evidence, *inter alia*, an affidavit executed by its expert, Brian Haygood, an engineer and accident reconstructionist. In the affidavit, Haygood attested that in October 2020, he inspected and measured the vehicles involved in the collision, inspected the scene of the accident, and utilized an overhead drone to capture images of the scene. Haygood opined the lease road was wide enough to accommodate the width of two tractor-trailers. Therefore, according to plaintiffs, it was practicable for Roots to remove the tractor-trailer from the highway by completing the turn and proceeding through the gate onto the lease road.

Our review of the record reveals Roots unequivocally stated he engaged his right signal to turn onto the lease road, but he came to a complete stop in the roadway to wait for another tractor-trailer to exit the road. According to Roots, he was delivering to the site for the first time, and he was waiting for the oncoming vehicle to exit because he did not believe the road was wide enough to accommodate both tractor-trailers. Additionally, Douglas, who had traversed the lease road on multiple occasions, testified the cattle gate was not wide enough to accommodate both tractor-trailers.

Furthermore, the data obtained from the vehicle Ms. Patton was driving established she was exceeding the speed limit, and the post-accident investigation revealed she did not attempt to apply her brakes. The investigating Louisiana State Police officers concluded the accident was caused by Ms. Patton's inattentiveness, and nothing Roots did caused or contributed to the accident. The affidavit submitted by plaintiff's expert, in which he opined the width of the lease road could have accommodated both

tractor-trailers, was insufficient to rebut the presumption that Ms. Patton, as the following motorist, was at fault for the accident.

As the Supreme Court stated in *Hester*, *supra*, La. R.S. 32:141(A) "does not apply to vehicles which are stopped on a highway on a temporary basis while waiting to turn." *Id*., at 367. The evidence submitted established that Roots activated his turn signal, stopped temporarily, and waited until he could safely execute the turn and proceed through the gate. Based on the evidence admitted for the purpose of summary judgment, we find Roots did not violate La. R.S. 32:141(A) by stopping to wait for the other tractor-trailer to exit the road before attempting to execute the right turn. Consequently, we find plaintiff failed to produce factual evidence to support the contention that Roots breached his duty of care. Because we conclude plaintiff failed to satisfy her burden of establishing Roots breached any duty, we find Mencar and Sandbox cannot be vicariously liable.

Plaintiff further argues that Sandbox was not entitled to summary judgment because she also asserted a separate and independent negligence claim against Sandbox for creating a dangerous condition on the highway. According to plaintiff, Sandbox was responsible for coordinating the arrival and departure of the delivery trucks, approximately 56 trucks entered and exited the site per day, and only one truck at a time could enter/exit the gate. Therefore, it was foreseeable that arriving trucks would have to stop on the highway to wait for departing trucks to exit, and Sandbox failed to take any measures to prevent collisions. Citing *Hakim v. Albritton*, 552 So. 2d 548 (La. App. 2 Cir. 1989), and *Norman v. Michael A. Shelton Enter., Inc.*, 18-1000 (La. App. 3 Cir. 5/29/19), 317 So. 3d 559, *writ denied*, 19-01093 (La. 10/8/19), 280 So. 3d 590, plaintiff contends that by failing to address the

traffic congestion at the entrance to the site, Sandbox failed to reasonably mitigate risks to motorists on the highway.

Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it. La. C.C. art. 2315. Under the duty/risk analysis, to support a negligence claim under Article 2315, the plaintiff must prove five separate elements: (1) the defendant had a duty to conform his conduct to a specific standard (the duty element); (2) the defendant's conduct failed to conform to the appropriate standard (the breach element); (3) the defendant's substandard conduct was a cause-in-fact of the plaintiff's injuries (the cause-in-fact element); (4) the defendant's substandard conduct was a legal cause of the plaintiff's injuries (the scope of duty element); and, (5) proof of actual damages (the damages element). *Farrell v. Circle K Stores, Inc.*, 22-00849 (La. 3/17/23), 359 So. 3d 467; *Boykin v. Louisiana Transit Co., Inc.*, 96-1932 (La. 3/4/98), 707 So. 2d 1225. If the plaintiff fails to prove any one element by a preponderance of the evidence, the defendant is not liable. *Id*.; *Robert v. Turner Specialty Servs., L.L.C.*, 50,245 (La. App. 2 Cir. 11/18/15), 182 So. 3d 1069.

In *Hakim*, *supra*, the plaintiff's vehicle was struck by a motorist who ran a stop sign. The sole issue on appeal was whether the third-party defendant/landowner could be held liable to passing motorists when the landowner allegedly created a hazard on adjacent property. This Court reversed the district court's ruling granting summary judgment finding that a genuine issue of material fact existed as to whether the landowner caused or contributed to the traffic congestion caused by a sale at its business which was closely adjacent to the intersection whether the accident occurred. More specifically, the Court stated, "[T]he jurisprudence has held that there is a

duty to not obstruct traffic and that a landowner may be liable for injuries to persons on adjacent property caused by conduct on his premises." *Id*. at 552.

In *Norman*, *supra*, a patron was attempting to exit the driveway of a restaurant and execute a left turn but stated his vision of oncoming traffic was obscured by a pickup truck parked along the edge of the parking lot. Therefore, the patron decided to execute a right turn onto the highway instead. The plaintiff was traveling on his motorcycle, and he struck the left rear tire of the restaurant patron's vehicle. The plaintiff filed a lawsuit alleging his injuries were caused, in part, by the negligence of the restaurant operator. The court of appeal reversed the district court's ruling granting the restaurant's motion for summary judgment, finding, in part, the issue of whether the landowner caused or contributed to the accident is a factual issue not suitable for resolution by summary judgment.

In *Lain v. Chapa*, 48,000 (La. App. 2 Cir. 5/15/13), 114 So. 3d 563, *writ denied*, 13-1753 (La. 11/1/13), 125 So. 3d 433, *and writ denied*, 13-1759 (La. 11/1/13), 125 So. 3d 434, the plaintiff and his wife were rear-ended by an 18-wheeler operated by a driver who failed to notice slowing traffic on Interstate 20 in Bossier Parish. The plaintiff filed a lawsuit against the operator of the 18-wheeler and her employer and later amended the lawsuit to include as defendants the Louisiana Department of Transportation and Development ("DOTD") and Highway Graphics, Inc. (the company employed to conduct striping at the center line along the interstate). Plaintiff alleged DOTD and the striping company failed to properly warn motorists approaching the operation. The evidence submitted revealed that DOTD recognized the risk and amended its traffic control plan by requiring the

striping company to station an additional police vehicle at the tail of the traffic queue. However, neither the DOTD nor the striping company ensured that the measure was employed. This Court reversed the ruling granting the defendants' motion for summary judgment, stating, "Reasonable minds could conclude that the resulting traffic congestion caused by the impediment of the centerline operation near the intersection of two high-volume roadways was foreseeable and that the halting of traffic on a highspeed interstate highway without any advance notice posed a significant hazard." *Id.* at 566-67.

Plaintiff has set forth the obligations of the Sandbox defendants as they relate to the coordination of drivers and the delivery of sand. However, plaintiff has not presented any evidence to establish that Sandbox's method of staging the drivers and the timing of the deliveries caused or contributed to this accident. Plaintiffs have not presented any evidence to controvert the testimony and conclusions of the investigating officers, and we do not find the existence of a genuine issue of material fact. Without the causation element, we cannot connect any alleged violations attributable to Sandbox with plaintiff's damages. Because the causation element of negligence is not supported by the record, we affirm the district court's judgment granting Sandbox's motion for summary judgment.

CONCLUSION

For the reasons stated herein, we affirm the district court's judgment granting the motions for summary judgment filed by defendants, Modriques Roots, Driq & Tiff's Trucking, LLC, Mencar, LLC, Sandbox Logistics, LLC, and Sandbox Transportation, LLC.. Costs of this appeal are assessed to

the appellant, Kathryn McDonald, in her capacity as legal guardian of Elijah Kol Gray.

AFFIRMED.