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

No. 57,182-CA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

* * * * *

CHELSEY NIQUELLA TAYLOR, CHAUNCEY DEMONN TAYLOR, JR., CALEB ELIJAH GEORGE, AND MICHELLE SMITH GEORGE — Plaintiffs-Appellants

versus

JASON BROTHERTON, ATHLETIC DIRECTOR AND HEAD FOOTBALL COACH AT HAUGHTON HIGH SCHOOL AND DAVID HAYNIE, PRINCIPAL AT HAUGHTON HIGH SCHOOL — Defendants

* * * * *

Appealed from the
Twenty-Sixth Judicial District Court for the
Parish of Bossier, Louisiana
Trial Court No. 168,145

Honorable Michael Owens Craig, Judge

* * * * *

LAW OFFICES OF J. RANSDELL KEENE
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* * * * *

Before PITMAN, COX, and THOMPSON, JJ.

COX, J.

This civil appeal arises from the Twenty-Sixth Judicial District Court, Bossier Parish, Louisiana. Following the tragic passing of a 17-year-old football player for Haughton High School, a petition for negligence and wrongful death was filed against Bossier Parish School Board, Haughton High School principal, David Haynie, and football coach, Jason Brotherton. After discovery and depositions, defendants filed a motion for summary judgment, which the district court granted. This appeal followed. For the following reasons, we affirm the district court's ruling.

FACTS & PROCEDURAL HISTORY

Christian Isaiah Smith ("Christian"), affectionately known as "Bo" by his peers, was a 17-year-old senior at Haughton High School, where he was a defensive lineman for the varsity football team. On September 13, 2021, Christian unexpectedly passed.

Thereafter, on August 24, 2022, Christian's mother, Michelle George ("Ms. George"), and his siblings, Chelsey Taylor, Chauncey Taylor Jr., and Caleb George, filed a petition for damages, naming the athletic director and head coach, Jason Brotherton ("Brotherton"), and Haughton High School principal, David Haynie ("Haynie"), as defendants. Petitioners first noted that Christian was diagnosed with genu varum, commonly known as bow leggedness, which required Christian to have a plate and screws implanted in both legs.

Petitioners alleged that Christian's condition increased his chances of being injured and that this information was indicated on Christian's physical examinations. Moreover, Petitioners argued that Christian's coaches were aware he had undergone several surgeries and procedures to address his

condition. Petitioners noted Christian's last surgery was done on January 6, 2020, to remove brackets from his legs. Petitioners further alleged that despite knowing this information, the coaches still allowed Christian to play football; and on September 3, 2021, weeks prior to his passing, he injured his right leg during a game. Petitioners argued that the cause of Christian's passing was a pulmonary embolism, or blood clot in the lung(s), that originated from edema and cellulitis of the lower right leg, the same leg he injured during the September 3, 2021, game.

Petitioners maintained that Christian's coaches failed to adequately monitor or care for his injured state and were, therefore, negligent in the management and care of Christian as follows:

> 1. Failure to acknowledge or protect the "high risk" legs of [Christian] due to the plates and screws in both legs;
>
> 2. Failure to protect [Christian] from playing football where the consequences of "blows" to the legs were inevitable;
>
> 3. Failure to warn [Ms. George] and [Christian] of known danger to [Christian];
>
> 4. Failure to provide immediate and follow-up medical care to the deceased;
>
> 5. Failure to monitor the health of the deceased after the football injury; and
>
> 6. Such other faults as may be proved at trial.

On September 28, 2022, Brotherton and Haynie collectively filed an exception of no cause of action, arguing that Christian's siblings should be dismissed from the matter concerning any claims related to wrongful death or any survival actions pursuant to La. C.C. arts. 2315.1 and 2315.2. Moreover, Brotherton and Haynie asserted that their exception of no cause of action should be granted because they are employees of the Bossier Parish

School Board ("BPSB") and were immune from civil liability for actions taken within the course and scope of their employment.

On November 7, 2022, Ms. George filed an amended petition wherein Christian's siblings were removed as co-petitioners, and BPSB was added as a defendant. By her amended petition, Ms. George re-urged the previous allegations but supplemented it to include that Brotherton and Haynie "were grossly negligent for any and all failure falling outside the scope of their employment." On November 28, 2022, the parties filed a joint motion to dismiss Brotherton and Haynie, agreeing that they acted within the course and scope of their employment. All claims as to BPSB were reserved.

On January 13, 2026, following depositions and discovery, BPSB filed a motion for summary judgment, where the following arguments were raised:

1. Christian had medical clearance to play football at Haughton High School on September 3, 2021;

2. Haughton High School football coaches were not aware that Christian suffered from any injury during the September 3, 2021, game;

3. Christian was seen and examined by his treating physician, Dr. Quynh Dang ("Dr. Dang"), on September 7, 2021, and was referred to Shriner's Hospital for Children in Shreveport ("Shriner's Hospital") for an orthopedic evaluation;

4. Haughton High School football coaches were aware Christian was seen by his treating physician and then later an orthopedist at Shriner's Hospital; and

5. Christian was scheduled for an orthopedic evaluation at Shriner's Hospital on September 13, 2021, but the appointment was not kept. Christian passed suddenly and unexpectedly later that day.

Given this, BPSB asserted that Ms. George would be unable to establish that BPSB, Haughton High School, or any representative thereof, breached any

duty by allowing Christian to play football. Moreover, BPSB argued that no action or omission by any Haughton High School football coach after the September 3, 2021, game, as it related to medical care for Christian, was the cause-in-fact of Christian's sudden and unexpected passing.

Under the duty-risk analysis, BPSB acknowledged that both it and the Haughton High School football coaches owed Christian a reasonable duty of care; however, BPSB maintained that there was no evidence to establish that either it, Brotherton, or Haynie breached their duty of care. Specifically, BPSB explained that Haughton High School implemented an appropriate medical system to address student injuries as they should arise; that system included certified trainers, an orthopedic physician, an EMS unit present at each game, and each coach monitored their assigned group of students for any potential injuries.

BPSB also addressed the allegations that Christian should not have been permitted to play football due to his genu varum and that the football coaches should have sent Christian to receive emergency medical treatment following his injury on September 3, 2021. BPSB argued first that there was no evidence to establish that Christian's condition, or any related surgeries, prevented him from playing football or even placed him at a greater risk of injury. Moreover, BPSB notes that Christian played football for Haughton High School for four years and was cleared to play by his treating physician regardless of his condition and the procedure to remove the brackets from his legs.

Further, BPSB argued that Haughton High School coaches were not aware Christian needed any type of emergency medical treatment either during or after the September 3, 2021, game. BPSB noted that in the

deposition of Josh O'Nishea ("O'Nishea"), Christian's defensive line coach, he stated that he did not see Christian get hurt during the game. O'Nishea also stated that he checked on Christian and the other players assigned to him after the game, and Christian did not indicate that he was injured. BPSB argued that because neither O'Nishea or any other coach had any indication Christian was injured, there could be no breach of duty to provide Christian with emergency medical attention either during or after the game.

Given this, BPSB also argued that the coaches' conduct of not sending Christian to receive medical attention could not be a "but for" or cause-in-fact of his untimely passing. Specifically, BPSB argued that there was no evidence to establish that any injury Christian sustained could be causally linked to show that the screws left embedded in Christian's legs after his most recent surgery were aggravated during the September 3, 2021, game, which caused Christian to suffer from a pulmonary embolism. BPSB argued that Christian was seen by Dr. Dang on September 7, 2021, who took an X-ray of Christian's leg, and did not refer Christian to emergency medical care; but rather, she made a referral for Christian to Shriner's Hospital to be seen by an orthopedist.

Moreover, Dr. Janay McKie ("Dr. McKie"), the orthopedist who performed the surgery to remove the brackets from Christian's legs, stated during her deposition that there was no recent traumatic sports related injury that would have affected the screw in Christian's leg or any evidence to suggest that the retained screw was the cause of the blood clot. Finally, BPSB argued that Christian's sudden passing, some ten days after the game, after being examined by both his treating physician and an orthopedist, was

an unforeseeable risk that fell outside the scope of protection of any duty the Haughton High School coaches owed.

In response, Ms. George argued that a coach's duty to his player had been previously determined by this Court in *Harvey v. Ouachita Parish School Bd.,* 28,400, (La. App. 2 Cir. 5/8/96), 674 So. 2d 372, *writ denied,* 96-1898 (La. 11/1/96), 681 So. 2d 1260, in which this Court provided that a coach's duty to his player is fact specific and to be determined on a case-by-case basis. In the present matter, Ms. George argued that Brotherton was aware that: 1) Christian was diagnosed with genu varum; 2) Christian had several surgeries to address his condition; 3) Christian was larger in size and weight; and 4) Christian did not have an updated physical examination form for the 2021 school year. Given this, Ms. George asserted that Brotherton at no point inquired about or took any mitigating steps concerning limitations that Christian had given his condition, and yet still allowed him to play football.

Moreover, Ms. George posited that regardless of whether Christian was cleared to play football by his physician, both O'Nishea and Brotherton were aware that Christian underwent a recent surgery on his legs and were aware of Christian's health concerns. Given this, Ms. George asserted that the school owed a high duty of care to protect Christian while playing a sport where traumatic injuries could occur. Ms. George further maintained that regardless of whether the Haughton High School football coaches personally witnessed Christian being injured during the September 3, 2021, game, they were, nevertheless, aware Christian was injured because he informed O'Nishea about his injury through text messages. Ms. George explained that through those messages, Christian told them he had been

injured during the September 3, 2021, game, to the point where he could not walk on his leg and would have to go to the doctor. Ms. George also noted that Christian told her he had been injured, and stated that during the game, an opposing player seemed to continuously tackle, or go after his legs, until he eventually heard a "pop," and felt pain in his right leg.

Further, Ms. George contended that any denial of Christian being injured during the September 3, 2021, game should not absolve BPSB, Haynie, or Brotherton from liability because it is common knowledge that some injuries do not manifest immediately. In support, Ms. George cited the observations from her expert witness in sports safety, Jeff Scurran ("Scurran"), who provided:

> 1. [BPSB] and the administration of Haughton High School demonstrated a reckless disregard of athlete safety by not having a written protocol for injury prevention and injury procedures for their student-athletes and coaches.
>
> 2. [BPSB] and Haughton High School Administration were grossly negligent in their supervision of their student-athlete, [Christian], as their football staff had specific knowledge of his dangerous, preexisting physical condition.
>
> 3. [BPSB] and Haughton High School Administration demonstrated a reckless disregard for [Christian's] safety or failed in the duty to protect student athletes because their employees had knowledge of [Christian's] obesity and surgery, observed how these physical issues limited his conditioning and mobility and yet did nothing to research [Christian's] condition, check with a qualified athletic trainer, or consult with a medical specialist.
>
> 4. Head football coach, [sic] Brotherton, as supervisor of the Haughton High School Football Program and Athletic Director, demonstrated an egregious departure from accepted safety standards because of the following:
>
> > a. [Brotherton] demonstrated a total lack of knowledge of, or care for, the responsibilities to his student-athletes.
> >
> > b. There is no evidence of any written staff protocols dealing with injuries and follow-through.

> c. There is no evidence of an Athletic Department "Emergency Action Plan" for his coaches.
>
> d. There is no evidence of any training sessions for his staff, team parents, or athletes on their role in injury prevention, care of athletes, and the necessary follow-through to ensure procedures are followed.
>
> e. Further, there is no evidence that [sic] Brotherton took responsibility for [Christian] or assigned another coach to do so, even after O'Nishea communicated about his reported condition.

Ms. George further notes that Dr. Frank Peretti ("Dr. Peretti"), who performed the autopsy, stated, in part:

> The decedent had a morbidly obese body habitus. There was diffuse edema and cellulitis of the right lower extremity. There was a large saddle pulmonary embolism with multiple peripheral small emboli (blood clots in the lungs) which originated from the deep veins of the right leg. Other evidence of disease included an enlarged, dilated heart, and enlarged liver and spleen as a result of his body habitus.

Ms. George asserts that Christian's injury originated from his right leg that he told O'Nishea he injured during the game, and where the retained screw had been embedded. Given Dr. Peretti's report, Ms. George argued that he should be permitted to testify at trial to determine whether Christian's injury, where the retained screw was present, was the cause of his pulmonary embolism.

A hearing on the matter was held March 19, 2026, and after oral argument, the matter was taken under advisement. Thereafter, the trial court granted BPSB's motion for summary judgment, finding, in part:

> In this matter, the Court did not receive any evidence showing a breach of duty from Coach Brotherton or Haughton High School. Christian Smith's mandatory physical was good for one year from September 29, 2020, and had not expired at the time of the first football game on September 3, 2021. The evidence also shows that during the 10 days between the Jamboree game and Christian Smith's untimely death, he was

> seen by his primary care physician who did not refer him to emergency care. Rather, she referred Christian to Shriners with an appointment scheduled another 6 days later, on September 13, 2021. The Court finds Defendants did fulfill their duty to reasonably supervise Christian Smith based on their multiple communications with him during the game, after the game in the locker room, and the days following. The specific facts of this case show that no one who interacted with Christian Smith, not his coaches, or friends, or family, or even medical professionals, reasonably foresaw this unfortunate outcome. For these reasons, the Court finds no genuine issue of material fact present in this matter and Defendants are entitled to summary judgment in their favor and against Plaintiffs.

This appeal followed.

DISCUSSION

Ms. George contends that the trial court erred in granting the motion for summary judgment. Ms. George argues that there are genuine issues of material facts about whether BPSB and its Haughton High School football coaches breached their duty to provide Christian with appropriate medical care after the September 3, 2021, football game where Christian injured his leg. Ms. George claims the football coaches ignored the risks associated by allowing a student who weighed over 400 pounds, had been diagnosed with genu varum, and had undergone several surgeries related to his legs, to play in a high-risk sport.

Ms. George argues that because these risks were ignored, Christian was injured during the September 3, 2021, game, and no medical assistance was provided to him even after Christian reported his injury. Ms. George maintains that it was negligent for the coaches to allow a student with a pre-existing condition, such as Christian's, which placed him at a higher risk of injury to play football, and to fail to provide substantive medical treatment following an injury. Moreover, Ms. George notes that under the Louisiana High School Athletic Association ("LHSAA"), Christian was required to

have a physical examination conducted every 13 months. Here, Ms. George argues that Christian's last physical was September 29, 2020, and had not received an updated physical for the fall 2021 season, yet was permitted to play in the September 3, 2021, game.

Ms. George maintains that given Christian's health and the high-risk nature inherent to playing football, it was foreseeable Christian would injure his leg and that an injury of this nature would lead to an infection and put Christian's health at risk. Ms. George asserts that Christian had an abrasion on his right leg that he injured during the September 3, 2021, game, and from that injury, he developed cellulitis, an infection, that resulted in deep vein thrombosis, or blood clots, in his right leg which led to a pulmonary embolism in the lungs.

Ms. George asserts that whether the coaches' duty was breached in this regard is a factual question that should be determined by the district court. Therefore, she asks this Court to reverse the district court's ruling so the matter can be further developed at trial.

A motion for summary judgment is reviewed on appeal 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 a 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 moving party will not bear the burden of proof on the issue at trial and points out that there is an absence of factual support for one or more elements essential to the adverse party's claim, action, or defense, then the nonmoving party must produce factual support sufficient to establish that he will be able to satisfy his evidentiary burden of proof at trial. *Id*.; *Staten*, *supra*. 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 school, through its agents and teachers, owes a duty of reasonable supervision over students. *Slack on Behalf of C.S. v. Copeland*, 54,591 (La. App. 2 Cir. 7/13/22), 343 So. 3d 346; La. C.C. art. 2320; *S.J. v. Lafayette Parish Sch. Bd.*, 09-2195 (La. 7/6/10), 41 So. 3d 1119; *Wallmuth v. Rapides Parish Sch. Bd.*, 01-1779 (La. 4/3/02), 813 So. 2d 341. The supervision compelled is reasonable, competent supervision appropriate to the age of the children and the attendant circumstances. *Id*. Constant supervision of all students is not possible, nor is it required, for educators to discharge their duty to provide adequate supervision. *Id*.; *Wallmuth v. Rapides Parish Sch. Bd.*, *supra*.

There must be proof of negligence in furnishing supervision and proof of a causal link between the insufficient supervision and the accident before liability can be levied upon a school for failure to sufficiently supervise the wellbeing of students. *Id*.; *Boston v. Jackson Parish Sch. Bd.*, 50,988 (La.

App. 2 Cir. 11/16/16), 210 So. 3d 399. To impose such liability on the part of a school, the risk of unreasonable injury must be foreseeable, constructively or actually known, and preventable if a requisite degree of supervision had been exercised. *Id*. In *Herring v. Bossier Parish Sch. Bd*., 25, 540 (La. App. 2 Cir. 2/23/94), 632, So. 2d 920, this Court provided the following standard of care for a matter involving the duty of care for a coach and his student athlete:

> A coach or teacher has the duty to those under his or her charge to recognize and exercise his or her specific responsibilities under the circumstances to protect them from foreseeable harm from the conduct of things or persons under that coach's or teacher's supervision. A teacher or coach, however, is not the insurer of the safety of students in all circumstances and is not held to the impossible standard of exercising constant supervision over each student involved in a group activity.

The scope of such a broadly stated duty is necessarily fact-specific, to be determined on a case-by-case basis in light of the respective relationships and circumstances of the parties. *Harvey v. Ouachita Parish School Bd*., 28,400, (La. App. 2 Cir. 5/8/96), 674 So. 2d 372, *writ denied*, 96-1898 (La. 11/1/96), 681 So. 2d 1260.

In this case, the district court determined, under the specific facts of this matter, there was no breach of duty from either BPSB or Brotherton. We agree.

Ms. George asserts that BPSB and Brotherton had a duty to prevent Christian from playing football due to his physical condition and overall health. Specifically, Ms. George highlights that Christian had weighed approximately 400 pounds, and that this, coupled with his genu varum and related surgeries, should have placed the coaches on notice that Christian was unable to physically participate in a sport known for a high risk of

injury. However, whether Christian's weight, diagnosis of genu varum, and overall physical condition should have disqualified him from participating in football was a question best determined by his physician rather than his coaches who could only provide a cursory determination from a lay person's perspective as to whether Christian's overall physical health would present an increased risk.

In this case, Christian's primary care physician, Dr. Dang, who understood Christian's physical limitations best, cleared him to play football each year despite his weight, genu varum, and surgical history. Moreover, Dr. McKie, who performed Christian's most recent surgery, also permitted him to return to football following his surgery. Given this, we cannot say it was unreasonable for the coaches to rely upon this information each year to determine whether Christian was physically eligible to participate in football.

Ms. George argues Christian had not received an updated physical for the fall 2021 season; as such, he should not have been permitted to play in the September 3, 2021, game. The LHSAA provides, in relation to physical examinations for student athletes, that a pre-participation physical evaluation will expire 13 months from the date it was signed and dated by a medical provider. In this case, Christian's last physical examination was September 29, 2020, and his next physical examination would have been due October 29, 2021, which would have made him eligible to play during the September 3, 2021, game.

Accordingly, we cannot say that the district court erred in finding that BPSB, through its coaches, did not breach a duty of care to prevent Christian from participating in football based on his weight and genu varum alone, in

light of the medical records approving him to engage in such a high-intensity sport.

We now turn to Ms. George's argument that BPSB, and Brotherton, breached their duty, and were, therefore, negligent in failing to provide Christian with emergency medical treatment after the September 3, 2021, game. Unfortunately, there is no evidence to show how Christian's injury and the resulting pulmonary embolism were foreseeable risks that BPSB or its coaches could have prevented. Ms. George has maintained that when Christian informed his coaches he had been injured during the game, the coaches should have then referred him to emergency care, where he could have received antibiotic treatment to prevent the infection which ultimately resulted in the embolism.

The record before this Court reflects that the Haughton High School coaches provided deposition testimony in which Christian's defensive line coach, O'Nishea, stated he was unaware Christian had been injured during the game. O'Nishea stated that he, as well as the other coaches, checked on each of the players after the game, and Christian did not inform them he had been injured. O'Nishea, however, stated that Christian later messaged him, and informed him that he could not attend practice the following Monday because he had gotten injured during the September 3, 2021, game. The messages showed that Christian told O'Nishea he could not walk on his leg and was going to the doctor. Christian provided updates about his pain and status updates on his doctor visits, including a referral to Shriner's Hospital for further observation.

The record shows Christian saw Dr. Dang on September 7, 2021, where an X-ray revealed there was a screw fragment in Christian's right leg.

In deposition, Dr. Dang stated that she was unaware there was a fragment in Christian's leg, and referred him to Shriner's Hospital, but no further emergency care was recommended, even after an examination, and an X-ray were done on Christian's injured leg. Ms. George contends that Christian's injury and the resulting consequences were foreseeable because it is common knowledge that an abrasion can result in an infection; as such, the coaches should have immediately sent Christian to receive emergency medical care.

While it may be foreseeable that an abrasion on the skin can result in an infection, Ms. George has not presented any evidence that the coaches were aware Christian was injured the day of the September 3, 2021, game to refer him to emergency medical care. Ms. George did not show that it was reasonably foreseeable that an infection from an abrasion would result in a pulmonary embolism, or that even if the coaches were aware Christian had been injured the day of the game, an earlier medical intervention would have detected an infection or that Christian would have received antibiotic treatment in light of the treatment he received from his primary care provider just days after the game.

Jurisprudence provides that coaches are required to protect their student athletes from foreseeable harm. There is simply no evidence that a pulmonary embolism, resulting from cellulitis, or an infection, is the type of injury that a layperson could reasonably foresee occurring. The Haughton High School coaches made medical intervention available to all students by having certified trainers, orthopedic physicians, and an EMS unit present at each game in the event a student is injured. There is no evidence Christian used any of these services either during or after the game, and deposition

testimony revealed that his coaches were not aware Christian had been injured until September 6, 2021, and were not aware of the extent of the injury until September 7, 2021, by which time Christian had already been seen by a medical provider.

There is no question that this is a deeply tragic and devastating loss for Ms. George, Christian's siblings, Chelsey Taylor, Chauncey Taylor Jr., and Caleb George, and the community as a whole. Unfortunately, this Court is constrained by jurisprudence and cannot impose an additional duty upon coaches to reasonably foresee an injury such as this, given the specific facts and circumstances of this case. This was an unexpected and grievous result that, as the district court noted, no one foresaw would occur. Therefore, we affirm the district court's ruling that there was no genuine issue of material fact presented to show BPSB or Brotherton breached their duty of care and were, thus, entitled to summary judgment.

CONCLUSION

For the foregoing reasons, the district court's ruling granting summary judgment, in favor of the defendants is affirmed. The costs of this appeal are assessed to the appellants.

AFFIRMED.