CARLOS DEWAYNE THOMAS, SR. : NUMBER: 525,002, “B”

and GWENDOLYN THOMAS

 Husband and Wife

VERSUS : FIRST JUDICIAL DISTRICT COURT

JPS CORPORATION, DEALERS

TRUCK EQUIPMENT CO., INC. : CADDO PARISH, LOUISIANA

**JUDGMENT ON JPS CORPORATION’S**

**MOTION FOR SUMMARY JUDGMENT**

 Having considered the Motion for Summary Judgment filed by JPS Corporation on October 18, 2011, its exhibits and memoranda; the opposition filed by the plaintiffs on November 23, 2011; the oral arguments of counsel held December 5, 2011, applicable law and for reasons assigned[[1]](#footnote-1):

 **IT IS ORDERED, ADJUDGED AND DECREED that JPS Corporation’s Motion for Summary Judgment is denied at its costs.**

 Signed this 6th day or December, 2011 in Shreveport, Caddo Parish, Louisiana.

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 SCOTT J. CRICHTON

 DISTRICT JUDGE

DISTRIBUTION:

B. Trey Morris, Counsel for Carlos Dewayne Thomas, Sr. and Gwendolyn Thomas

Dustin G. Flint, Counsel for Intervenor Fire & Casualty Insurance Company

Michael J. Remondet, Jr., Counsel for JPS Corporation

1. The Court has exhaustively reviewed the summary judgment record in this case, including JPS Corporation’s Exhibits A-Q, and its memoranda. The Court has also reviewed the affidavits attached to plaintiffs’ opposition, A-D. Obviously issues bearing on comparative fault and malingering in any case will usually serve to defeat a summary judgment motion. That is especially true in this case. Moreover, the particular factual issues in dispute regarding the extent to which, if any, Untied Bilt acted prudently regarding inspections, training and maintenance, whether there was incorrect application of torque and whether a cheater bar was used are all issues which require examination. A jury of Caddo citizens should address the claims and genuine issues of fact presented by the parties in this lawsuit, make appropriate credibility determinations and reach a fair verdict. [↑](#footnote-ref-1)