**WILLIAM R. SMITH and : NUMBER: 533,007-B**

**SUSAN D. SMITH**

**VERSUS : FIRST JUDICIAL DISTRICT COURT**

**JOHN D. SAVAGE, MEGHAN T. : CADDO PARISH, LOUISIANA**

**SAVAGE, TERRY PERDUE,**

**TERRI HAYWARD and**

**REALTY EXECUTIVES**

**JUDGMENT ON MOTION FOR PARTIAL**

**SUMMARY JUDGMENT AND AMENDED AND SUPPLEMENTAL**

**MOTION FOR PARTIAL SUMMARY JUDGMENT**

**This Court has considered the Motion for Partial Summary Judgment filed March 29, 2010 by Defendants, Terry Perdue, Terri Hayward and Realty Executives; their Amended and Supplemental Motion for Partial Summary Judgment filed April 16, 2010; the memoranda in support of the motions; the memorandum filed June 11, 2010 by Plaintiffs William R. Smith and Susan D. Smith; the oral arguments of counsel on June 21, 2010 as well as the applicable law. In light of the causes of action for fraud and negligent misrepresentation and the deposition testimony of Defendant, John Savage (67:8-14) and the deposition testimony of Defendant, Meghan T. Savage (9:L 18-20) as well as other parts of their depositions and in light of the inapplicability of the jurisprudence cited by defense counsel to the particular evidence in this summary judgment record, the Court concludes that there exists genuine issues of material fact necessitating trial on the merits. Accordingly:**

**IT IS ORDERED that the Motion for Partial Summary Judgment and Amended and Supplemental Motion for Partial Summary Judgment are both denied.**

**Signed this 30th day of June, 2010 in Shreveport, Caddo Parish, Louisiana.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Scott J. Crichton**

**District Judge**

**DISTRIBUTION:**

**John E. Settle, Counsel for Plaintiffs**

**Deborah Shea Baukman, Counsel for Defendants Terry Perdue, Terri Hayward,**

**and Realty Executives**

**Richard E. Hiller, Counsel for John D. Savage and Meghan T. Savage**