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SUPREME COURT OF LOUISIANA

NO. 19-C-0991

KELLY FARRAR

VERSUS

CENTERPOINT ENERGY RESOURCES CORP.

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
SECOND CIRCUIT, PARISH OF WEBSTER**

GENOVESE, J., would grant this writ for the following reasons:

This is yet another summary judgment granted when countervailing evidence is presented and genuine issues of material fact are manifest. The genuine issue of material fact in this case involves customer account data collected by defendant and whether there is an over-collection of data which may trigger an invasion of customer privacy. Plaintiff presented an expert via affidavit who opined that the collection-data device is capable of collecting “other data.” Defendant presented employee affidavits denying any over-collection of data or invasion of privacy. There lies your question of material fact which can only be determined by a weighing of the evidence presented at a trial on the merits — not via summary judgment.

Thus, I find the lower courts erred in granting defendant’s motion for summary judgment. I would reverse the lower courts, deny defendant’s motion for summary judgment, and allow this case to proceed to a trial on the merits.