

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**2006 CA 0320**

**ELLIS A. WHITE, JR.**

**VERSUS**

**MAYSON FOSTER AND THE CITY OF HAMMOND**

**Judgment Rendered: December 28, 2006**

\*\*\*\*\*

On Appeal from the Twenty-First Judicial District Court  
In and For the Parish of Tangipahoa  
State of Louisiana  
Docket No. 2003-004429

Honorable Bruce C. Bennett, Judge Presiding

\*\*\*\*\*

Frank Sloan  
Mandeville, LA

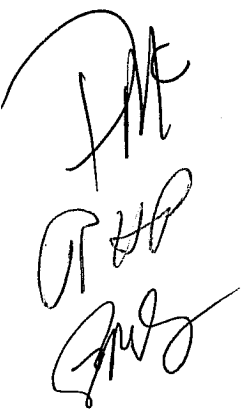
Counsel for Plaintiff/Appellant  
Ellis A. White, Jr.

Andre G. Coudrain  
Shaan M. Aucoin  
Hammond, LA

Counsel for Defendants/Appellees  
Mayson Foster & City of Hammond

\*\*\*\*\*

**BEFORE: PARRO, GUIDRY, AND McCLENDON, JJ.**



**McCLENDON, J.**

In this defamation case, plaintiff, Ellis A. White, Jr., appealed the trial court's grant of summary judgment in favor of the defendants, Mayson Foster and the City of Hammond. We affirm.

On motions for summary judgments, the appellate courts conduct a *de novo* review. **Costello v. Hardy**, 2003-1146, p. 8 (La. 1/21/04), 864 So.2d 129, 137. If there is no genuine issue of material fact, and the movant is entitled to judgment as a matter of law, the motion for summary judgment must be granted in the movant's favor. LSA-C.C.P. art. 966B.

The question of whether the meaning of a particular communication is defamatory is ultimately a legal question for the court. **Costello**, 2003-1146 at p. 13, 864 So.2d at 140. "The question is answered by determining whether a listener could have reasonably understood the communication, taken in context, to have been intended in a defamatory sense." *Id.*

After a thorough review of this particular record, we find that a listener could not have reasonably understood the statements concerning the defendants' dissatisfaction with the service rendered by Mr. White's company, when "taken in context, to have been intended in a defamatory sense." *Id.* Thus, in the absence of any genuine issue of material fact, defendants were entitled to summary judgment. See LSA-C.C.P. art. 966B.

For these reasons, we affirm the judgment of the trial court in accordance with Uniform Court of Appeal Rule 2-16.2.A(2) and (6). The costs of the appeal are assessed to plaintiff-appellant, Mr. Ellis A. White, Jr.

**AFFIRMED.**