

The source of Louisiana tort law is La. Civ. Code art. 2315 that provides in relevant part that “Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.” In addition, Louisiana applies a duty-risk analysis to determine whether an actionable tort has been committed.

This analysis is composed of the following five inquiries:

- (1) Was the conduct of which the plaintiff complains a cause in fact of the resulting harm?
- (2) What, if any, duties were owed by the respective parties?
- (3) Whether the requisite duties were breached?
- (4) Was the risk, and harm caused, within the scope of protection afforded by the duty breached?
- (5) Were actual damages sustained?

*Pitre v. Louisiana Tech Univ.*, 95 1466, 95 1487, p. 8-9, (La.5/10/96); 673 So.2d 585, 589-90 (quoting *Socorro v. City of New Orleans*, 579 So.2d 931 (La.1991)). The plaintiff’s failure to prove any of these elements precludes recovery. *Id.*