

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

TASHA GRIGGS, INDIVIDUALLY
AND ON BEHALF OF HER MINOR
SON, AUSTIN GRIGGS

NO. 2013 CW 2258

VERSUS

BOUNCE N' AROUND
INFLATABLES, LLC AND JACK
ALAN LEBLANC

MAY 16 2014

In Re: Bounce N' Around Inflatables, LLC and Jack Alan LeBlanc, applying for supervisory writs, 23rd Judicial District Court, Parish of Ascension, No. 105994.

BEFORE: WHIPPLE, C.J., KUHN, McCLENDON, WELCH AND CRAIN, JJ.

WRIT GRANTED IN PART AND DENIED IN PART. The writ is granted as to that portion of the trial court's judgment dated December 16, 2013, which denied the exception raising the objection of no cause of action filed by defendant, Jack Alan LeBlanc. That portion of the judgment is reversed and judgment is rendered sustaining Mr. LeBlanc's exception of no cause of action. The plaintiff did not allege that Mr. LeBlanc acted outside of his capacity as a member of Bounce N' Around Inflatables, L.L.C. See La. R.S. 12:1320. We remand to the trial court with instructions to set a time within which the plaintiff is to amend her petition to set forth a cause of action against defendant, Jack LeBlanc, if she can do so, and for further proceedings. In all other respects, the writ is denied.

VGW

McClendon and Crain, JJ., concur in part and dissent in part. We concur in the reversal of the trial court's denial of the exception raising the objection of no cause of action filed by Mr. LeBlanc and in allowing the plaintiff an opportunity to amend her petition to set forth a cause of action against Mr. LeBlanc. We dissent, however, from the denial of the exception raising the objection of no cause of action filed by Bounce N' Around Inflatables, L.L.C. The exclusive remedy for the claims of plaintiff, Tasha Griggs, individually and on behalf of her minor son, Austin Griggs, is under the Louisiana Workers' Compensation Act. **Noble v. Blume Tree Services, Inc.,** 94-0589 (La. App. 1st Cir. 11/10/94), 646 So.2d 441, 442, writ denied, 94-2999 (La. 2/17/95), 650 So.2d 252.

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COURT OF APPEAL, FIRST CIRCUIT

NO. 2013 CW 2258
(PAGE 2 OF 2)

Kuhn and Welch, JJ., concur in part and dissent in part. We would deny the writ in its entirety. The trial court properly denied the defendants' exceptions; the petition states a cause of action in tort against both defendants.

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DEPUTY CLERK OF COURT
FOR THE COURT