

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

BITTERSWEET BRANDS, LLC

NO. 2019 CW 1113

VERSUS

PAINTING WITH A TWIST, LLC,
CATHERINE DEANO AND SANDRA
RENEE MALONEY

NOV 25 2019

In Re: Catherine Deano, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
2018-11537.

BEFORE: McDONALD, THERIOT, AND CHUTZ, JJ.

WRIT DENIED.

JMM
MRT

Chutz, J., concurs in part and dissents in part. I agree the district court correctly denied Catherine Deano's Exception of No Right of Action. However, I would reverse the portion of the district court's July 22, 2019 judgment denying her Exception of No Cause of Action. An exception of no cause of action should be granted when it appears beyond doubt that the plaintiff can prove no set of facts in support of any claim which would entitle him to relief. **Badeaux v. Southwest Computer Bureau, Inc.**, 2005-0612 (La. 3/17/06), 929 So.2d 1211, 1217. Plaintiffs, Bittersweet Brands, LLC and Michael Powers, failed to assert any viable cause of action against Defendant, Catherine Deano. As such, I would remand this matter to the district court to afford Plaintiffs an opportunity to amend their petition. See La. Code Civ. P. art. 934.

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DEPUTY CLERK OF COURT
FOR THE COURT