

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

BITTERSWEET BRANDS, LLC

NO. 2019 CW 1204

VERSUS

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

DEC 03 2019

In Re: Painting With A Twist, LLC, applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 2018-11537.

BEFORE: McDONALD, HIGGINBOTHAM, THERIOT, CHUTZ, AND LANIER, JJ.

WRIT GRANTED IN PART; WRIT DENIED IN PART. The portion of the district court's July 22, 2019 judgment denying the Exception of Vagueness filed by Defendant, Painting With A Twist, LLC, is hereby reversed. An exception of vagueness should be sustained if the petition does not fairly inform the defendant of the nature of the cause of action or fails to include sufficient particulars for the defendant to prepare a defense. **Thomas v. Sonic**, 2006-0014 (La. App. 1st Cir. 11/3/06), 950 So.2d 822, 824. Here, it is unclear which Plaintiffs are asserting which claims against which Defendants. As such, the Exception of Vagueness filed by Painting With A Twist, LLC is granted, and this matter is remanded to the district court to afford Plaintiffs an opportunity to amend their petition. See La. Code Civ. P. art. 934. This writ application is denied in all other respects.

JMM
TMH
WRC
WIL

Theriot, J., concurs in part and dissents in part. I would deny the writ application in its entirety.

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DEPUTY CLERK OF COURT
FOR THE COURT