

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

K&F RESTAURANT HOLDINGS,  
LTD., D/B/A IZZO'S ILLEGAL  
BURRITO, K&F RESTAURANT  
OPERATIONS, LLC, AND OSVALDO  
FERNANDEZ

NO. 2019 CW 1406

VERSUS

ROUSE'S ENTERPRISES, LLC AND  
DONALD J. ROUSE, JR.

**FEB 18 2020**

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In Re: Rouse's Enterprises, L.L.C. and Donald J. Rouse, Jr.,  
applying for supervisory writs, 19th Judicial District  
Court, Parish of East Baton Rouge, No. 681345.

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**BEFORE: HIGGINBOTHAM, PENZATO, AND LANIER, JJ.**

**WRIT GRANTED.** The district court judgment of September 24, 2019 that denied the exception of lis pendens filed by defendants is reversed. La. Code Civ. P. art. 531 provides that when two or more suits are pending in a Louisiana court on the same transaction or occurrence, between the same parties in the same capacities, the defendant may have all but the first suit dismissed by excepting thereto. The action entitled **Donald J. Rouse, Jr., Donald J. Rouse, Sr., Thomas B. Rouse, Allison Rouse Royster, and Rouse's Enterprises, LLC v. K&F Restaurant Holdings, Ltd., d/b/a Izzo's Illegal Burrito, K&F Restaurant Operations, LLC, G&O Pizza Holdings, Ltd. d/b/a Lit Pizza, G&O Restaurant Operations, LLC and Osvaldo Fernandez**, docket number 137,108, filed in the 17th Judicial District Court was pending against plaintiffs herein, K&F Restaurant Holdings, Ltd., d/b/a Izzo's Illegal Burrito, K&F Restaurant Operations, LLC, and Osvaldo Fernandez, in the same capacities arising from the same transaction or occurrence when this action was filed. Accordingly, the exception of lis pendens filed by defendants, Rouse's Enterprises, L.L.C. and Donald J. Rouse, Jr., is granted, and this action filed by plaintiffs, K&F Restaurant Holdings, Ltd. d/b/a Izzo's Illegal Burrito, K&F Restaurant Operations, LLC, and Osvaldo Fernandez, is dismissed, without prejudice.

TMH  
AHP  
WIL

COURT OF APPEAL, FIRST CIRCUIT



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