

SUPREME COURT OF LOUISIANA

No. 2019-C-1528

AGRIFUND, LLC

VS.

RADAR RIDGE PLANTING CO., INC.

On Writ of Certiorari to the Court of Appeal, Second Circuit,
Parish of Richland

PER CURIAM

Writ granted. The peremptory exception of no cause of action is set forth in LSA-C.C.P. art. 927(A)(5) and tests the legal sufficiency of the petition by determining whether the law affords a remedy on the facts alleged. LSA-C.C.P. art. 927(A)(5); **Vince v. Metro Rediscount Co., Inc.**, 18-2056 (La. 2/25/19), 264 So.3d 440. The exception is triable on the face of the petition alone, and all facts pled in the petition, or shown in any documents annexed thereto, must be accepted as true. **Calloway v. Lobrano**, 2016-1170 (La. App. 1 Cir. 4/12/17), 218 So.3d 644; see also LSA-C.C.P. arts. 931 and 853 (“A copy of any written instrument that is an exhibit to a pleading is a part thereof.”) An exception of no cause of action should be granted only when it appears beyond doubt that the plaintiff can prove no set of facts in support of any claim that would entitle him to relief. If the petition states a cause of action on any ground or portion of the demand, the exception should generally be overruled. Every reasonable interpretation must be accorded the language used in the petition in favor of maintaining its sufficiency and affording the plaintiff the opportunity of presenting evidence at trial. **Badeaux v. Southwest Computer Bureau, Inc.**, 05-0612 (La. 3/17/06), 929 So.2d 1211;

Caldwell v. Astra Zeneca AB, 16-1073 (La. App. 1 Cir. 4/11/18), 249 So.3d 38, 42.

The plaintiff has made sufficient allegations to maintain a cause of action for fraud, conspiracy to commit fraud, conversion, and LUTPA violations against the named defendants. The plaintiff, in the original and supplemental and amending petitions, has alleged with some specificity actions, including names, dates, and check numbers, on the part of the various defendants. For these reasons, and for the reasons stated in Judge Stone's dissent, the writ is granted, the ruling granting the exceptions of no cause of action is reversed, and this matter is remanded for further proceedings.