

The Supreme Court of the State of Louisiana

CHARLES A. RIVAUT, ARTHUR R.
LEJEUNE, CLAUDIA J. LEJEUNE, WILLIAM
J. GIBSON, AND AUDUBON TERRACE
RESIDENT HOMEOWNERS ASSOCIATION

No. 2021-C-00708

VS.

AMERICA HOMELAND, LLC

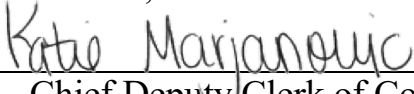
IN RE: America Homeland, LLC - Applicant Defendant; Applying For Writ Of
Certiorari, Parish of East Baton Rouge, 19th Judicial District Court Number(s)
650708, Court of Appeal, First Circuit, Number(s) 2020 CA 1251;

October 12, 2021

Writ application granted in part. See per curiam.

JTG
SJC
WJC
JBM
PDG

Weimer, C.J., dissents.
Hughes, J., dissents.

Supreme Court of Louisiana
October 12, 2021


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2021-C-00708

**CHARLES A. RIVALT, ARTHUR R. LEJEUNE, CLAUDIA J. LEJEUNE,
WILLIAM J. GIBSON, AND AUDUBON TERRACE RESIDENT
HOMEOWNERS ASSOCIATION**

VS.

AMERICA HOMELAND, LLC

On Writ of Certiorari to the Court of Appeal, First Circuit, Parish of East Baton
Rouge

PER CURIAM

We find that defendant, America Homeland, LLC, has produced sufficient factual support to establish a genuine issue of material fact with respect to the question of whether or not the building restrictions at issue in this case have been abandoned. La. C.C.P. art. 966(D)(1). Accordingly, we find that the court of appeal erred by weighing the evidence presented and by affirming the trial court's grant of the plaintiffs' motion for summary judgment. The trial court's grant of the plaintiffs' motion for summary judgment is hereby reversed, as is the court of appeal's dismissal of all of defendant's claims. The court of appeal's reversal of the trial court's grant of plaintiffs' exception of res judicata is affirmed. This matter is remanded for further proceeding consistent with this per curiam.

GRANTED IN PART; REVERSED IN PART; AND REMANDED.