

The Supreme Court of the State of Louisiana

SANCTUARY CAPITAL, LLC, ET AL., ON
BEHALF OF NORTH LOUISIANA BIDCO, LLC

No. 2022-C-00751

VS.

RICHARD D. CLOUD, JAMES RANDOPH
GARNER, AND NORTH LOUISIANA BIDCO,
LLC

IN RE: Robert Lawler Garner as Executor as Substitute Defendant for James R. Garner, decd. - Applicant Defendant; Applying For Writ Of Certiorari, Parish of Ouachita, 4th Judicial District Court Number(s) 14-1379, Court of Appeal, Second Circuit, Number(s) 54,364-CA;

September 20, 2022

Writ application granted. See per curiam.

JLW
JTG
WJC
JBM
PDG

Hughes, J., would deny.
Crichton, J., would deny.

Supreme Court of Louisiana
September 20, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2022-C-00751

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LOUISIANA BIDCO, LLC**

VS.

**RICHARD D. CLOUD, JAMES RANDOPH GARNER, AND NORTH
LOUISIANA BIDCO, LLC**

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

PER CURIAM

Writ granted. Because James Randolph Garner died before the court of appeal rendered its decision, that decision (which affirmed the trial court’s judgment in favor of the plaintiffs and against Mr. Garner) is absolutely null. Insofar as the appellate court decision concerns the claims against Mr. Garner, the appellate court decision is vacated, and this matter is remanded to the Louisiana Court of Appeal, Second Circuit for such action as the law permits, including the substitution of the legal successor of the deceased party in accordance with Rule 2-9 of the Uniform Rules-Courts of Appeal, the rendition and signing of a decision in favor of or against the properly substituted party, and the filing of a writ application with this court from such decision by any party to the action. In considering substitution issue, the court of appeal is ordered to hear and decide whether the plaintiffs’ claim against Mr. Garner to enforce inspection of books and records of North Louisiana BIDCO, LLC abated or was extinguished by his death.