

The Supreme Court of the State of Louisiana

GERARD J. BOURGEOIS, DEBORAH
BOURGEOIS AND THE MAGNER
TRUST

No. 2024-CC-01378

VS.

CHRISTOPHER W. LOPEZ AND
NORTHPOINTE BUSINESS PARK, LLC

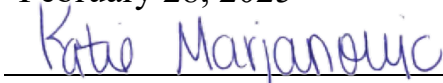
IN RE: Gerard J. Bourgeois - Applicant Plaintiff; Deborah Bourgeois - Applicant Plaintiff; The Magner Trust - Applicant Plaintiff; Gerard J. Bourgeois, et al. - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Jefferson, 24th Judicial District Court Number(s) 851-392, Court of Appeal, Fifth Circuit, Number(s) 24-C-374;

February 28, 2025

Writ application granted. See per curiam.

JTK
JLW
JDH
WJC
JBM
PDG
JMG

Supreme Court of Louisiana
February 28, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-CC-01378

GERARD J. BOURGEOIS, DEBORAH BOURGEOIS,
AND THE MAGNER TRUST

VS.

CHRISTOPHER W. LOPEZ, NORTHPOINTE BUSINESS PARK, LLC

On Supervisory Writ to the Twenty-Fourth Judicial District Court, Parish of
Jefferson

PER CURIAM

Granted in part. Although Gerard Bourgeois transferred his interest in Northpointe Business Park, LLC (“Northpointe”), La. R.S. 12:1332(A)(2) provides “[e]xcept as otherwise provided in the articles of organization or a written operating agreement . . . [u]ntil the assignee of an interest in a limited liability company becomes a member, **the assignor shall continue to be a member.**” [emphasis added]. There is no provision in the Northpointe operating agreement which changes this default rule. Therefore, Gerard Bourgeois retains his management rights and powers, unless and until the assignee becomes a member. *See AOK Prop. Invs., LLC v. Boudreaux*, 20-237 (La. App. 5 Cir. 12/9/20), 308 So. 3d 1214, 1217, writ denied, 2021-00002 (La. 3/2/21), 311 So. 3d 1051; *Channelside Servs., LLC v. Chrysochoos Grp., Inc.*, 2015-0064 (La. App. 4 Cir. 5/13/16), 194 So. 3d 751, 759, writ denied, 2016-1079 (La. 10/12/16), 208 So. 3d 373.

Accordingly, the writ is granted in part. The October 1, 2024 judgment of the court of appeal is reversed insofar as it finds Gerard Bourgeois lacks a right of action to inspect the financial records of Northpointe. In all other respects, the writ is denied. The case is remanded to the district court for further proceedings.