BCLC, LLC : NUMBER: 570,597-B

VERSUS : FIRST JUDICIAL DISTRICT COURT

JOSEPH PONSEIGO and GARY

LOFTIN, CADDO PARISH CLERK

OF COURT AND EX OFFICIO

RECORDER OF MORTGAGES : CADDO PARISH, LOUISIANA

**JUDGMENT ON PEREMPTORY EXCEPTION**

**OF NO RIGHT OF ACTION**

 The Court has thoroughly reviewed the peremptory exception of no right of action filed by Plaintiff/Defendant in Reconvention, BCLC, LLC and thoroughly considered the testimonial and documentary evidence adduced at the trial of the exception on December 16, 2013. In addition, the Court has reviewed the pre-trial briefs, oral arguments and post trial briefs on the issue.

 Finding merit of the no right of action exception, based on rationale asserted in the Reasons For Judgment document contemporaneously filed, the Court concludes that the exception is sustained. Accordingly:

 **IT IS ORDERED, ADUDGED AND DECREED that the peremptory exception of no right of action filed by Plaintiff/Defendant in Reconvention, BCLC,LLC, as to Mr. Ponseigo’s right of action to maintain the Affidavit Asserting a Lien and Privilege Against Immovable Property under the Private Works Act, La. R.S. 9:4801, et seq, and his right to maintain the lis pendens filing is sustained.**

 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the exception of no right of action as to his claim of unjust enrichment or any contractual claim in overruled.**

 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Caddo Parish Clerk of Court shall forthwith cancel and remove from the public records the “Notice of Pendency of Action” and the “Affidavit Asserting a Lien and Privilege Against Immovable Property for Labor Furnished in the Construction of Improvements Therein” (both filed on or about April 26, 2012) pertaining to property located at 762 Unadilla Street, Shreveport, Caddo Parish, Louisiana.**

 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED that other filed exceptions are deferred but may be reurged by counsel.**

Signed this 20th day of December, 2013, in Shreveport, Caddo Parish, Louisiana.

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 SCOTT J. CRICHTON

 DISTRICT JUDGE

DISTRIBUTION:

David Szwak, Counsel for BCLC, LLC

Byron Richie, Counsel for Joseph M. Ponseigo

Keith Johnson, Self-Represented Party (no answer filed)