

**Fifth Circuit Court of Appeal  
State of Louisiana**

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No. 26-C-279

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**CEDRANEKA ALEXANDER**

versus

**CROSSINGS I, LLC, 1ST LAKE PROPERTIES, INC AND ABC  
INSURANCE COMPANY**

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**IN RE CEDRANEKA ALEXANDER**  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
LEE V. FAULKNER, JR., DIVISION "P", No. 863-451

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**TRUE COPY**

June 29, 2026



LINDA TRAN  
DEPUTY CLERK

Panel composed of Judges Stephen J. Windhorst,  
Timothy S. Marcel, and Michael P. Mentz, Pro Tempore

**WRIT DENIED**

In this case arising from water intrusion and mold contamination of a residential apartment, relator Cedraneka Alexander seeks supervisory review of a trial court judgment granting a peremptory exception of no cause of action relating to claims alleged by Ms. Alexander in her First Supplemental and Amending Petition for Damages under the Louisiana Unfair Trade Practices Act, La. R.S. 51:1401, et seq. ("LUTPA"). In a previous writ application, this Court reversed a judgment of the trial court that had denied a peremptory exception of no cause of action relating to plaintiff's LUPTA claims and allowed plaintiff thirty days to amend her petition to state a valid cause of action. *See* 25-C-446. In her writ application, relator argues that the trial court erred as a matter of law in granting the peremptory exception of no cause of action or, alternatively, by not allowing plaintiff the opportunity to amend the petition as provided under La. C.C.P. art. 934.

The exception of no cause of action tests the legal sufficiency of the petition by determining whether the law affords a remedy on the facts

alleged in the pleading. *Gibson v. Jefferson Par. Hosp. Serv. Dist. No. 2*, 19-283 (La. App. 5 Cir. 6/27/19), 275 So.3d 482, 495 (citing *Khoobehi Props., LLC v. Baronne Dev. No. 2, L.L.C.*, 16-506 (La. App. 5 Cir. 3/29/17), 216 So.3d 287, 297). The appellate court reviews a trial court's ruling sustaining an exception of no cause of action *de novo* because the exception raises a question of law and the court's decision is based solely on the sufficiency of the petition. *Id.* The peremptory exception of no cause of action is triable on the face of the pleadings, and, for purposes of resolving issues raised by the exception, the well-pleaded facts in the petition must be accepted as true. *Id.* No evidence may be introduced to support or controvert an exception of no cause of action. La. C.C.P. art. 931. Cause of action, as used in the context of the peremptory exception, means the operative facts which give rise to the plaintiff's right to judicially assert the action against the defendant. *Dep't of Wildlife & Fisheries v. BP Oil Pipeline Co.*, 24-247 (La. App. 5 Cir. 11/20/24), 410 So.3d 836, 840. Because Louisiana utilizes a system of fact pleading, it is not necessary for a plaintiff to plead a theory of the case in the petition; however, mere conclusions of the plaintiff unsupported by the facts do not set forth a cause of action. *Palowsky v. Campbell*, 21-358 (La. App. 5 Cir. 3/30/22), 337 So.3d 567, 572.

La. C.C.P. art. 934 provides that when the grounds of the objection pleaded by the peremptory exception may be removed by amendment of the petition, the judgment sustaining the exception shall order such amendment; however, if the grounds of the objection raised through the exception cannot be so removed, the claim or theory shall be dismissed. In other words, the right to amend the petition is qualified that the objection be curable. *Palowsky*, 337 So.3d at 578. Where the amendment would be a vain and useless act, such an amendment is not required by La. C.C.P. art. 934. *Id.*

Louisiana's Unfair and Deceptive Trade Practices and Consumer Protection Law, La. R.S. 51:1405, et seq., makes unlawful any unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce. A practice is "unfair" when it offends established public policy and when the practice is unethical, oppressive, unscrupulous, or substantially injurious. *NOLA 180 v. Treasure Chest Casino, LLC*, 11-853 (La. App. 5 Cir. 3/27/12), 91 So.3d 446, 450. To sustain a cause of action under LUTPA, the petition must allege that the plaintiff suffered an ascertainable loss, and that the loss resulted from another's use of unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce. *Cheremie Serv., Inc. v. Shell Deepwater Prod., Inc.*, 09-1633 (La. 4/23/10), 35 So.3d 1053, 1057. Allegations of mere negligence are insufficient to state a claim under LUTPA. *625 LaBarre Rd., LLC v. Parish of Jefferson*, 21-133 (La. App. 5 Cir. 11/3/21), 330 So.3d 1201, 1208. The range of prohibited practices under LUTPA is extremely narrow. *Cheremie*, 35 So.3d at 1060. The statute does not provide an alternate remedy for simple breaches of contract. *Id.* There is a great deal of daylight between a breach of contract claim and the egregious

behavior the statute prescribes. *Law Indus., LLC v. Dep't of Educ.*, 2023-00794, p. 5 (La. 1/26/24), 378 So.3d 3.

Upon *de novo* review of plaintiff's First Supplemental and Amending Petition, we find that plaintiff has failed to allege facts sufficient to support a claim under LUTPA. As noted by the previous panel of this Court, many of plaintiff's allegations are conclusions of law rather than statements of fact. Whereas plaintiff's original petition tracked the language of the LUTPA statute in stating its legal conclusions, the First Supplemental and Amending Petition tracks the language of the jurisprudence cited in this Court's previous disposition in stating its new allegations. For example, plaintiff asserts:

...[B]oth Defendants' acts of charging Ms. Alexander \$1100 to replace her carpet due to "pet damage" was also **unethical, oppressive, unscrupulous and/or substantially injurious**, because said Defendants knew the carpet was damages from the significant water intrusion that Defendants' failed to adequately repair.

(Emphasis supplied. See *NOLA 180, supra.*)

The few new facts that Ms. Alexander does allege in her amendments, such as her assertion that she verbally notified representatives of all defendants about the conditions of the apartment and that she was charged for carpet replacement, while cognizable and relevant to her breach of contract claim, are insufficient, when read together with all of the facts asserted in the petition, to state a cause of action under Louisiana's Unfair and Deceptive Trade Practices and Consumer Protection Law.

Furthermore, we find no error in the trial court's determination that allowing plaintiff further opportunity to amend her petition would not cure these deficiencies. Accordingly, this writ application is denied.

Gretna, Louisiana, this 29th day of June, 2026.

TSM  
SJW  
MPM

SUSAN M. CHEARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. TRAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

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**NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **06/29/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-C-279**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Hon. Lee V. Faulkner, Jr. (DISTRICT JUDGE)  
DeVonn Jarrett (Relator)  
James C. Rather, Jr. (Respondent)

**MAILED**

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