

THE DESCENDANTS PROJECT

NO. 24-C-276

VERSUS

FIFTH CIRCUIT

LUCIEN J. GAUFF, III, ASSESSOR AND  
GREENFIELD LOUISIANA, LLC

COURT OF APPEAL

STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL  
A TRUE COPY OF DOCUMENTS AS  
SAME APPEARS IN OUR RECORDS



Linda Wiseman  
First Deputy, Clerk of Court

July 15, 2024

Linda Wiseman  
First Deputy Clerk

IN RE GREENFIELD LOUISIANA, LLC

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APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT, PARISH  
OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE VERCELL FIFFIE,  
DIVISION "A", NUMBER 79,485

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Panel composed of Judges Stephen J. Windhorst,  
John J. Molaison, Jr., and Amanda L. Calogero, Pro Tempore

**WRIT GRANTED; STAY LIFTED; REMANDED**

The plaintiffs/respondents, The Descendants Project (“TDP”), filed a lawsuit at the 40th Judicial District Court for the Parish of St. John the Baptist, which alleges that the relator, Greenfield Louisiana LLC (“Greenfield”), has engaged in a simulated sale of the property to avoid ad valorem taxes. The parties narrowed the scope of documents TDP sought through discovery to 11,341 items. After that, TDP filed a motion to compel discovery, which the trial court granted after a hearing on April 22, 2024. The Order limits the documents to those which are “responsive” and “non-privileged” that are produced by the following search terms: a. "Port" or "POSL"; b. "PILOT" or "payment in lieu of taxes"; c. "cooperative endeavor agreement"; d. "Descendants Project", and: e. "Gauff." Greenfield filed the instant writ application on time, along with a request to stay the trial court’s ruling pending further action by this court. This Court granted Greenfield’s request for a stay, and we have now addressed the merits of the writ application.

The courts must liberally and broadly construe discovery statutes to achieve their objectives. *Testa Distributing Co., Inc. v. Tarver*, 584 So.2d 300 (La. App. 1 Cir.1991). La. C.C.P. art. 1422 provides that “[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” A party seeking to compel discovery bears the burden of proving that the matters sought to be discovered are relevant. *Id.* The standard of review for discovery matters is abuse of discretion. *Favrot v. Favrot*, 12-1573 (La. App. 4 Cir. 5/1/13), 115 So.3d 1190.

The record before us is limited. After reading TDP's petition, we conclude that the basis of its lawsuit is an alleged simulated sale between Greenfield and the Port of South Louisiana. Greenfield asserted at the hearing that it had already "produced all the documents that relate to the Cooperative Endeavor Agreement." It objected to producing documents related to alleged payments it had made to individuals who attended a site visit. It also objected to producing all documents related to the name "Descendants Project" based on relevancy because TDP has multiple lawsuits involving Greenfield. It further objected to the generality of the search terms, which resulted in 11,341 items.

A party seeking to compel discovery bears the burden of proving that the matters sought to be discovered are relevant. *Testa Distributing Co., Inc. v. Tarver*, 584 So.2d 300 (La. App. 1 Cir.1991). Concerning TDP's request for the production of documents responsive to 13, 15, 16, 17, and 20 and response to Interrogatory No. 18, we find that TDP has not sufficiently demonstrated that the information sought about attendees at a meeting is relevant to the cause of action defined in their lawsuit. There are further limitations to discovery when justice requires that a party or other person be protected from annoyance, embarrassment, oppression, or undue burden or expense. *Stolzle v. Safety & Systems Assur. Consultants, Inc.*, 02-1197 (La. 5/24/02), 819 So.2d 287, 289. After a review of the application, we find that the trial court's wholesale imposition of the search terms upon Greenfield, without any additional specifications, is likely to result in an unnecessary expense to this party.

For these reasons, we find the trial court abused its discretion, grant the relator's writ application, and vacate the order compelling discovery in its entirety dated May 21, 2024. The June 20, 2024 stay granted by this Court is hereby lifted. We remand the matter for further proceedings.

Gretna, Louisiana, this 15th day of July, 2024.

**JJM**  
**SJW**  
**ALC**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISON, JR.  
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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 **07/15/2024** 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

**24-C-276**

**E-NOTIFIED**

40th District Court (Clerk)  
Honorable Vercell Fiffie (DISTRICT JUDGE)  
Peter J. Butler, Jr. (Respondent)

Clare M. Bienvenu (Relator)  
William B. Most (Respondent)  
Richard G. Passler (Respondent)

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