

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-468

GEOGRAPHIC COMPUTER TECHNOLOGIES, L.L.C.

versus

THOMAS NOURSE

IN RE GEOGRAPHIC COMPUTER TECHNOLOGIES, L.L.C.
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
FRANK A. BRINDISI, DIVISION "E", NUMBER 879-025

TRUE COPY

October 21, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Marc E. Johnson, and John J. Molaison, Jr.

WRIT GRANTED; JUDGMENT REVERSED; EXCEPTION OVERRULED; ORDER OF TRANSFER VACATED; REMANDED

Relator, Geographic Computer Technologies, L.L.C. ("GCT"), seeks supervisory review of the district court's judgment of September 21, 2026, which sustained the declinatory exception of improper venue filed by respondent, Thomas Nourse, and ordered this action transferred to Caddo Parish. For the reasons that follow, we grant the writ, reverse the judgment, overrule the exception, vacate the order of transfer, and remand for further proceedings.

Facts and Procedural History

GCT is a Louisiana limited liability company domiciled in Jefferson Parish, with its sole office and principal place of business in Metairie; all of its employees

work in Jefferson Parish. The respondent, Mr. Nourse, is an individual domiciled in Caddo Parish. Mr. Nourse was GCT's salaried software developer and infrastructure administrator until November 1, 2025, and worked principally from his home in Caddo Parish.

On August 13, 2026, GCT sued Mr. Nourse in the Twenty-Fourth Judicial District Court, asserting claims for breach of the duty of loyalty, violation of the Louisiana Unfair Trade Practices Act, La. R.S. 51:1401 *et seq.*, conversion, unjust enrichment in the alternative, and injunctive relief. GCT pleaded that venue lies in Jefferson Parish under La. C.C.P. art. 74 because it sustained damages there and because the wrongful conduct caused injury there.

Mr. Nourse filed a declinatory exception of improper venue. At the September 2, 2026 hearing, GCT presented two witnesses and introduced documentary exhibits, which the court admitted without objection; Mr. Nourse offered no evidence. GCT's uncontroverted showing established that Mr. Nourse installed and configured GCT's GIS Data Updater on the workstation of a GCT employee located in River Ridge, within Jefferson Parish, and directed that update tasks be run from that workstation. It further established that GCT, domiciled in Jefferson Parish and maintaining no other office, sustained its economic losses there, including payments of \$72,940 made from Jefferson Parish and its investigation and remediation costs. The district court sustained the exception and ordered the matter transferred to Caddo Parish, referring to La. C.C.P. arts. 42 and 74 and to the physical locations of the defendant and the computer hardware.

GCT timely filed the instant writ application.

Standard of Review

An exception of improper venue presents a question of law, which this Court reviews *de novo* and resolves on the record without deference to the district court's legal conclusions. *Bruno v. CDC Auto Transp., Inc.*, 19-1065 (La. App. 4 Cir.

6/3/20), 302 So.3d 8, 12, *writ denied*, 20-836 (La. 10/14/20), 302 So.3d 1118.

When a party introduces evidence at the hearing on a declinatory exception, the court resolves the exception on that evidence rather than on the allegations of the petition. *Johnson v. Byrd*, 48,411 (La. App. 2 Cir. 9/25/13), 125 So.3d 1220, 1226.

A manifest-error standard then attaches to the district court's underlying factual findings. *Murray v. Universal Parking & Transp., LLC*, 24-787 (La. App. 4 Cir. 7/8/25), 420 So.3d 132, 149. However, as discussed below, that deferential overlay has no application here. GCT's evidence stood uncontroverted, Mr. Nourse offered none, and the district court made no factual findings to which deference could attach. The venue question therefore turns entirely on the legal effect of undisputed facts, which we review *de novo*. *Bruno*, 302 So.3d at 12.

Law and Analysis

The general rule of venue is that an action against an individual domiciled in this state shall be brought in the parish of his domicile. La. C.C.P. art. 42. That general rule is subject to the exceptions provided in Articles 71 through 85, and where Articles 42 and 71 through 77 conflict, the plaintiff may bring the action in any venue provided by any applicable article. *Jumonville v. White*, 07-2589 (La. App. 1 Cir. 5/8/08), 992 So.2d 1044, 1046 (per curiam). Mr. Nourse's domicile in Caddo Parish therefore establishes that parish as a venue of right, but it does not foreclose GCT's reliance on an applicable exception.

GCT's claims for breach of the duty of loyalty, unfair trade practices, conversion, and unjust enrichment are delictual in nature and seek the recovery of damages for an offense or quasi-offense. The governing exception is La. C.C.P. art. 74, which provides that such an action "may be brought in the parish where the wrongful conduct occurred, or in the parish where the damages were sustained" and that an action to enjoin an offense or quasi-offense may be brought in the parish where the wrongful conduct occurred or may occur. Article 74 is

disjunctive: venue is proper if either the place of the wrongful conduct or the place where the damages were sustained lies in the forum parish. This Court has applied Article 74 to the precise setting this case presents — a former employer's delictual claims against a former employee for breach of fiduciary duty and unfair trade practices — and has fixed venue in the parish where the employee committed the wrongful conduct during his employment. *See Novelaire Techs., L.L.C. v. Harrison*, 06-94 (La. App. 5 Cir. 7/25/06), 939 So.2d 437, 443.

Applying that text to the uncontroverted record, we conclude that Jefferson Parish is a parish of proper venue under article 74's damages prong.

First, GCT sustained its damages in Jefferson Parish. The loss is not an abstraction felt wherever GCT happens to reside; it consists of concrete, locatable events. GCT disbursed the \$72,940 in payments at issue from Jefferson Parish and performed and paid for its investigation and remediation work there. Those acts fixed the situs of the economic injury, and they occurred in Jefferson Parish independently of where GCT is domiciled. This is the direct, readily established loss that Article 74's "damages sustained" prong contemplates, not the kind of nebulous or derivative injury — felt by a plaintiff wherever it happens to be — that cannot anchor venue. *See Coursey v. White*, 184 So.2d 625, 627 (La. App. 4 Cir. 1966). That GCT maintains no other office confirms that Jefferson Parish is where the loss landed. Under the plain language of Article 74, that parish is a parish of proper venue.

Second, a portion of the alleged wrongful conduct occurred in Jefferson Parish. The uncontroverted evidence shows that Mr. Nourse installed and configured the instrumentality of the alleged diversion — GCT's GIS Data Updater — on a GCT workstation physically located in River Ridge, Jefferson Parish, and directed that the tasks be run from that workstation. That Mr. Nourse

performed some of these acts by remote connection from Caddo Parish does not displace the site of the instrumentality and its operation in Jefferson Parish.

Based on the foregoing, we find that the district court erred as a matter of law. After correctly identifying Article 74 as the applicable exception, the court resolved venue by reference to the physical location of the defendant and of the computer hardware, rather than by application of the statute’s “damages sustained” and “wrongful conduct” prongs to the uncontroverted record. On *de novo* review, and because GCT’s evidence stood uncontroverted, we find that Jefferson Parish is a parish of proper venue under Article 74.

Because Article 74 independently establishes proper venue in Jefferson Parish, we need not reach GCT’s alternative contention under La. C.C.P. art. 76.1, nor its assignments of error concerning ancillary venue and leave to amend under La. C.C.P. art. 932(A). Likewise, because we hold that venue is proper, no occasion arises to consider transfer or dismissal under La. C.C.P. arts. 121 and 932; those articles govern only when a plaintiff brings an action in a court of improper venue.

Decree

For these reasons, we grant the writ application, reverse the September 21, 2026 judgment sustaining the declinatory exception of improper venue, overrule the exception, and vacate the order transferring this action to Caddo Parish. We remand the matter for further proceedings consistent with this disposition.

Gretna, Louisiana, this 21st day of October, 2026.

JJM
SMC
MEJ

SUSAN M. CHEHARDY
CHIEF JUDGE

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

JUDGES



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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 **10/21/2026** 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:

A handwritten signature in blue ink that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

26-C-468

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Frank A. Brindisi (DISTRICT JUDGE)
Hope A. Phelps (Respondent)

Michael V. Ambrosia (Relator)
William B. Most (Respondent)

MAILED