

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

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No. 26-C-62

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VALERIE BARBON GERNHAUSER

*versus*

DAVID W. GERNHAUSER, JR.

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IN RE VALERIE BARBON GERNHAUSER  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
JUNE B. DARENSBURG, DIVISION "C", No. 830-111

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TRUE COPY

April 22, 2026



LINDA TRAN  
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,  
Jude G. Gravois, and Marc E. Johnson

**WRIT DENIED**

Relator, Valerie Barbon Gernhauser, seeks this Court's supervisory review of trial court's denial of her exceptions of prematurity, no right of action, and no cause of action, filed in response to her ex-husband, David W. Gernhauser, Jr.'s, petition for damages for mismanagement of former community property. Ms. Gernhauser's exceptions are founded upon her belief that the community did not terminate on April 6, 2023, retroactively to July 6, 2022, as claimed by Mr. Gernhauser in his petition, but rather on October 20, 2025, retroactively to July 25, 2023 (based on the judgment of divorce between the parties rendered on October 20, 2025 on Mr. Gernhauser's reconventional demand for divorce pursuant to La. C.C. art. 103(1) filed on July 25, 2023). For the following reasons, on the showing made, finding no error in the trial court's denial of Ms. Gernhauser's exceptions, we deny the writ application.

## PROCEDURAL BACKGROUND AND FACTS

According to the writ application, the parties were formerly married and had a community property regime.<sup>1</sup> The following procedural history is relevant, as related by the writ application and the opposition thereto filed by respondent.

The parties married in 2009. On July 6, 2022, they filed a joint petition for divorce pursuant to La. C.C. art. 103. They were divorced by a judgment signed on November 18, 2022, which was vacated on March 21, 2023 on other grounds. Prior thereto, on March 15, 2023, Mr. Gernhauser filed an *ex parte* motion and order for judgment of separation of property, as per La. C.C. art. 2374(C), seeking to have the parties' community property regime terminated retroactively to July 6, 2022, the date of the original filing for divorce. In response to the motion, an Order declaring the parties separate in property as of July 6, 2022 was signed by the domestic commissioner on April 6, 2023. In her writ application, Ms. Gernhauser claims that she did not receive notice, formal or informal, of the signed Order terminating the community.

The parties filed numerous other pleadings in this divorce action: on March 21, 2023, Ms. Gernhauser filed a supplemental and amending petition for divorce pursuant to La. C.C. art. 103; on July 25, 2023, Mr. Gernhauser filed a reconventional demand for divorce pursuant to La. C.C. art. 103(1); on July 27, 2023, Ms. Gernhauser filed an amended and supplemental petition for divorce pursuant to La. C.C. art. 103(4); and, on July 10, 2025, Mr. Gernhauser filed a supplemental reconventional demand for divorce pursuant to La. C.C. art. 103(2).

On September 26, 2025, Mr. Gernhauser filed the petition for damages due to mismanagement of former community property, alleging that Ms. Gernhauser mismanaged the operation of Sapphire Events, LLC, a community-owned entity, between July of 2022 and December of 2022.

Trial on the divorce was held on October 20, 2025. Ms. Gernhauser's amended and supplemental petition for divorce (pursuant to La. C.C. art. 103(4)) and Mr. Gernhauser's supplemental reconventional demand for divorce (pursuant to La. C.C. art. 103(2)) were both dismissed. A judgment of divorce was signed that

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<sup>1</sup> The parties have previously been before this Court, on an appeal of the divorce judgment. *In re Gernhauser*, 23-573 (La. App. 5 Cir. 12/4/24), 410 So.3d 858, *rehg denied* (Jan. 14, 2025), *writ denied*, 25-00207 (La. 4/23/25), 406 So.3d 1176.

day, specifically stating that the divorce was granted pursuant to Mr. Gernhauser's reconventional demand filed on July 25, 2023.

On November 5, 2025, Ms. Gernhauser filed dilatory exceptions of prematurity and unauthorized use of summary proceedings, and peremptory exceptions of no right of action, no cause of action, and *res judicata*, to Mr. Gernhauser's petition for damages for mismanagement. These exceptions argued that the community regime did not terminate until July 25, 2023. Mr. Gernhauser filed an opposition, and Ms. Gernhauser filed a reply to the opposition. The exceptions were heard on January 12, 2026.<sup>2</sup> Pertinent to this writ application, the trial court denied the exceptions of prematurity, no right of action, and no cause of action.

In her writ application, Ms. Gernhauser takes issue with the validity of the signed *ex parte* Order of April 6, 2023 terminating the community retroactively to July 6, 2022. She argues herein that the Order does not constitute a final judgment because: 1) it lacks decretal language, as per La. C.C.P. art. 1918(A); and 2) no notice of judgment was ever requested nor issued.

### ANALYSIS

La. C.C. art. 2374(C) states: "When a petition for divorce has been filed, upon motion of either spouse, a judgment decreeing separation of property may be obtained upon proof that the spouses have lived separate and apart without reconciliation for at least thirty days from the date of, or prior to, the filing of the petition for divorce." The motion may be filed *ex parte*, *i.e.*, on the application of one party only. *See, e.g., Catrambone v. Liotta*, 24-0456 (La. App. 4 Cir. 2/14/25), 414 So.3d 686, 689, *writ denied*, 25-00321 (La. 5/29/25), 410 So.3d 146.

The dilatory exception of prematurity questions whether the cause of action has matured to the point where it is ripe for judicial determination. La. C.C.P. art. 926; *In re Succession of Burton*, 24-598 (La. App. 5 Cir. 12/30/24), 410 So.3d 980, 982, *writ denied*, 25-00120 (La. 4/15/25), 406 So.3d 427. The exception of no cause of action serves to test the legal sufficiency of a petition by determining whether the law affords a remedy on the facts alleged. *Olavarrieta v. Robeson*, 22-158 (La. App. 5 Cir. 7/6/22), 345 So.3d 1103, 1106. The peremptory exception of no right of action

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<sup>2</sup> Neither a minute entry nor a transcript of the January 12, 2026 hearing is included with the writ application.

is intended to determine whether the plaintiff has a legal interest in judicially enforcing the subject matter of the litigation. La. C.C.P. art. 927(A)(6); *Hosp. Serv. Dist. No. 1 of Par. of St. James v. Hosp. Serv. Dist. No. 3 of Par. of Lafourche*, 25-202 (La. App. 5 Cir. 11/26/25), 427 So.3d 297, 306, *writ denied*, 25-01634 (La. 3/25/26), 428 So.3d 268, and *writ denied*, 25-01636 (La. 3/25/26), 428 So.3d 269. None of these exceptions is the proper procedural vehicle to challenge the validity of the underlying judgment, as Ms. Gernhauser attempted to do herein.

Whether the April 6, 2023 Order is an interlocutory or final judgment is of no moment with respect to this writ application, as Ms. Gernhauser did not seek review of that Order in this Court, under either our supervisory or appellate jurisdiction. Her argument that the Order lacked sufficient decretal language to make it a final judgment, and that notice of judgment was not issued, goes to whether a party has properly invoked this Court's appellate jurisdiction and the time delays in which a party may do so, rather than to the judgment's validity.

### **CONCLUSION AND DECREE**

Upon review, on the showing made, we conclude that, for purposes of this writ application, Ms. Gernhauser has not shown that the Order of April 6, 2023, declaring the parties separate in property as of July 6, 2022, is not a valid judgment. Accordingly, we find no error in the trial court's denial of Ms. Gernhauser's exceptions. This writ application is denied.

Gretna, Louisiana, this 22nd day of April, 2026.

**JGG  
FHW  
MEJ**

