

BON TON 2020, LLC AND
WALK THE PLANK, LLC

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NO. 2026-C-0423

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VERSUS

COURT OF APPEAL

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BINOLA-BUILT-IN-NEW
ORLEANS, LOUISIANA LLC
D/B/A CENTRAL CITY

FOURTH CIRCUIT

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MILLWORKS, THE
BURLINGTON INSURANCE
COMPANY, AND STARSTONE
SPECIALTY INSURANCE
COMPANY

STATE OF LOUISIANA

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APPLICATION FOR WRITS DIRECTED TO
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2024-08268, DIVISION “M”
Honorable Terri F. Love, *Pro Tempore*

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Judge Tiffany Gautier Chase

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(Court composed of Judge Rosemary Ledet, Judge Paula A. Brown, Judge Tiffany
Gautier Chase)

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**WRIT GRANTED;
JUDGMENT REVERSED
AND REMANDED
JULY 6, 2026**

TGC
RML
PAB

Relators, The Burlington Insurance Company (“TBIC”), seek review of the trial court’s May 21, 2026 judgment granting Respondents, Bon Ton 2020, LLC and Walk the Plank, LLC’s (collectively referred to as “Bon Ton”) motion to compel production of information regarding calculation of insurance reserves. For the reasons that follow, we grant Relators’ writ, reverse the judgment of the trial court and remand the case to the trial court for an *in-camera* review.

Bon Ton hired BINOLA-Built-In-New Orleans Louisiana, L.L.C. (“BINOLA”) to renovate and repair their building on Magazine Street in New Orleans, which was designated to operate as a restaurant upon completion. During the renovation, it is alleged that the subcontractors, employed by BINOLA, negligently disposed of combustible materials, causing a fire that resulted in approximately \$4.2 million in damages. Bon Ton filed suit against BINOLA and its liability insurer, TBIC.

During discovery, Bon Ton filed a motion to compel after TBIC produced a redacted claims file, citing privilege and confidentiality. The trial court granted the motion ordering TBIC to produce the unredacted file on July 24, 2024. TBIC filed a motion for a new trial arguing that the unredacted files would violate Louisiana jurisprudence. The trial court granted the motion for new trial and conducted an *in-camera* review of the redacted claims file, which included two exhibits (1) the claim reports, and (2) the claim notes. On September 18, 2025, the trial court denied Bon Ton's motion to compel, finding the materials privileged and not subject to discovery.

On March 9, 2026, Bon Ton filed a second motion to compel, this time seeking disclosure of information regarding TBIC's calculation of insurance reserves. TBIC opposed the motion, arguing that the same privilege applied. However, on May 21, 2026, a *pro tempore* judge granted the motion, reasoning that the September 18, 2025 ruling did not specifically address TBIC's files regarding reserves and therefore did not apply.

The trial court noted that the files had been returned to TBIC and/or destroyed and that it did not have access to the documents to review. La. C.C.P. art. 1422 provides, in pertinent part, "parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action...." It remains uncertain whether TBIC's file regarding calculation of insurance reserves are privileged, as these documents were not considered in the

prior *in-camera* review. Accordingly, the case is remanded for an *in-camera* review of the claim file regarding the insurance loss reserves.

**WRIT GRANTED;
JUDGMENT REVERSED;
AND REMANDED**