

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**NUMBER 2009 CA 2201**

**LOUISIANA STUCCO & MASONRY, LLC**

**VERSUS**

**MBD CONSTRUCTION COMPANY, INC.  
AND ARCH INSURANCE COMPANY**

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Judgment Rendered: May 7, 2010

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Appealed from the  
Nineteenth Judicial District Court  
In and for the Parish of East Baton Rouge, Louisiana  
Trial Court Number 555,163

Honorable William A. Morvant, Judge

\*\*\*\*\*

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**BEFORE: WHIPPLE, HUGHES, AND WELCH, JJ.**

**HUGHES, J.**

This is an appeal from an amended district court judgment, signed August 20, 2009, confirming an arbitration award in favor of appellee MBD Construction Company, Inc. and against appellants Perkins Rowe Associates, LLC (Perkins Rowe).<sup>1</sup>

On appeal, Perkins Rowe contends that the arbitrator exceeded his authority under the parties' arbitration agreement, that the multiple arbitration awards and district court judgments confirming those awards constituted impermissible piecemeal adjudication, and that the petition seeking confirmation of the arbitration award(s) was improperly filed and should have been filed in a separate suit.

As previously determined by this appellate panel in **Louisiana Stucco & Masonry, LLC v. MBD Construction Company, Inc.**, 2009-1365 (La. App. 1 Cir. 2/12/10) (unpublished) (2010 WL 502998), Perkins Rowe's assignments of error are without merit. All arguments herein propounded were previously made by Perkins Rowe in a related lawsuit, **Keystone Structural Concrete, LLC v. Perkins Rowe Associates, LLC**, 2009-1102 (La. App. 1 Cir. 12/23/09) (unpublished) (2009 WL 4981532), and found to be without merit. We find the reasoning applied by this court in **Keystone** equally applicable in the instant appeal.

Accordingly, we find no merit in this appeal.

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<sup>1</sup> We note that other arbitration awards were confirmed in this judgment as to other parties not involved in this appeal, which are not discussed herein. Additionally, we note that this matter was previously before this court, on appeal from an earlier judgment of the district court signed October 6, 2008, and was dismissed by a June 22, 2009 order of this court, as the district court judgment was not designated as "final" in accordance with LSA-C.C.P. art. 1915(B). See **Louisiana Stucco & Masonry, LLC v. MBD Construction Company, Inc.**, 2009-0665 (La. App. 1 Cir. 6/22/09) (unpublished). Thereafter, in the district court, the October 6, 2008 judgment was amended by the August 20, 2009 judgment appealed herein and was designated "final" by the district court.

## **CONCLUSION**

For the reasons stated herein, the district court judgment is affirmed.

All costs are assessed to Perkins Rowe Associates, LLC.

**AFFIRMED.**