

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

QUALITY IRON FABRICATORS,
INC.

NO. 2017 CW 0267

VERSUS

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA

JUN 20 2017

In Re: Travelers Casualty and Surety Company of America,
applying for supervisory writs, 19th Judicial District
Court, Parish of East Baton Rouge, No. 651494.

BEFORE: WELCH, HIGGINBOTHAM, CRAIN, THERIOT AND HOLDRIDGE, JJ.


WRIT GRANTED. Quality Iron Fabricators, Inc., is bound by the forum selection clauses found in the performance and payment bonds provided by relator, Travelers Casualty and Surety Company of America. See **Emile M. Babst Co., Inc. v. U.S. Fidelity and Guar. Co.**, 497 So.2d 1358 (La. 1986); and **Shelter Mutual Ins. Co. v. Rimkus Consulting Group, Inc. of Louisiana**, 2013-1977 (La. 7/1/14), 148 So.3d 871. We reverse the trial court's January 30, 2017 ruling denying relator's exception of improper venue, and the matter is remanded to the trial court for transfer to a court of proper venue or, in the alternative, dismissal in accordance with La. C.C.P. art. 121.

WJC
GH

Welch, J. concurs. Quality Iron Fabricators, Inc. is the obligee of the bonds and must abide by the terms and conditions thereof, which include the forum selection clause. Therefore, I concur in the result.

Higginbotham and **Theriot, JJ.** dissent and would deny the writ.

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DEPUTY CLERK OF COURT
FOR THE COURT