

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JARRAD BENCAZ, DDS, LLC

NO. 2013 CW 1895

VERSUS

JAYME RITCHEY D/B/A JAYME
ROOFING & REPAIR, ATLANTIC
CASUALTY INSURANCE COMPANY,
BORDE PROPERTIES, LLC AND
SCOTTSDALE INSURANCE COMPANY

MAR 17 2014

In Re: Atlantic Casualty Insurance Company, applying for
supervisory writs, 21st Judicial District Court,
Parish of Livingston, No. 125905.


BEFORE: GUIDRY, PETTIGREW, McDONALD, McCLENDON AND THERIOT, JJ.

WRIT GRANTED. There is no genuine issue as to material fact and defendant Atlantic Casualty Insurance Company is entitled to judgment as a matter of law because Atlantic Casualty has carried its burden of proof to establish that an exclusion applies that precludes coverage. Accordingly, we hereby grant the writ application and reverse the judgment of the trial court dated October 30, 2013. Judgment is rendered granting Atlantic Casualty Insurance Company's motion for summary judgment and dismissing the claims of Jarrad Bencaz, DDS, LLC, State Farm Fire & Casualty Insurance Company, Borde Properties, LLC, Scottsdale Insurance Company, and Jayme Ritchey d/b/a Jayme Roofing & Repair against Atlantic Casualty Insurance Company with prejudice.

JMM
PMc
MRT
JMG

Pettigrew, J., dissents and would deny the writ.

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DEPUTY CLERK OF COURT
FOR THE COURT