

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 CW 0070

VERSUS

VALERO ENERGY CORPORATION;
VALERO RETAIL HOLDINGS,
INC.; VALERO MARKETING AND
SUPPLY COMPANY, for itself
and as successor in interest
to Shamrock Oil and Gas
Corporation, Total
Petroleum, Inc., Sigmor
Corporation, Diamond
Shamrock Corporation,
Diamond Shamrock Refining
and Marketing Company,
Diamond Shamrock, Inc.,
Ultramar Corporation, and
Ultramar Diamond Shamrock,
Inc.; CST BRANDS, INC., a
Delaware Corporation and,
until it was spun off
effective May 1, 2013, a
wholly owned subsidiary of
Valero Energy Corporation;
CST Metro LLC; CST Shamrock
Stations, Inc.; TOC-DS
Company; and CST Services,
LLC.

APR 20 2015

In Re: Valero Energy Corporation, applying for supervisory
writs, 19th Judicial District Court, Parish of East
Baton Rouge, No. 626,895.

BEFORE: PETTIGREW, WELCH AND CHUTZ, JJ.

WRIT DENIED. We deny the writ, finding no error in the judgment dated December 3, 2014, which denied the declinatory exception of lack of personal jurisdiction filed by the relator. As a result of its merger with Ultramar Diamond Shamrock Corporation, Valero Energy Corporation is subject to personal jurisdiction in this state due to the fact that its predecessor's contacts were constitutionally sufficient to be subject to personal jurisdiction in this state. **Bridges v. Mosaic Global Holdings, Inc.**, 2008-0113 (La. App. 1st Cir. 10/24/08), 23 So.3d 305, 317, writ denied, 2008-2783 (La. 2/20/09), 1 So.3d 496. Since a successor corporation can avail itself of the benefits of our forum state in order to sue for monies owed its corporate predecessor, the successor corporation, who is able to derive benefits from the forum, should also be expected to answer for alleged liabilities of its predecessor in this forum. Id. Relator failed to demonstrate that the exercise of jurisdiction would be unreasonable in light of traditional notions of fair play and substantial justice. **Ruckstuhl v. Owens Corning Fiberglas Corp.**, 98-1126 (La. 4/13/99), 731 So.2d 881, cert. denied, 528 U.S. 1019, 120 S.Ct. 526, 145 L.Ed.2d 407 (1999).

WRC
JTP

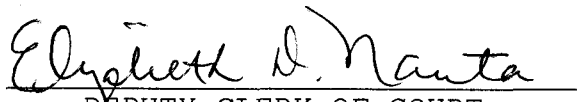
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Welch, J., concurs and would deny the writ.

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