

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2017 CA 0604

JAMES E. SHIELDS, JR., CHRISTINE F. SHIELDS,  
JAMES E. SHIELDS, III, AND JOSEPH LUKE SHIELDS

VERSUS

ALVIN R. SAVOIE & ASSOCIATES, INC. D/B/A SAVOIE  
CONSTRUCTION, INC., FOSTER-TAYLOR FIREPLACES, INC.,  
AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY,  
THE TRAVLERS INDEMNITY COMPANY OF CONNECTICUT,  
ROSS SAVOIE, ROSS SAVOIE CONSTRUCTION, LLC,  
AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY,  
AMERICA'S CHOICE 2-10 HOME BUYER'S WARRANTY,  
AND JKL INSURANCE COMPANY

**CONSOLIDATED WITH**

NO. 2017 CA 0605

ASI LLOYDS AS SUBROGEE OF  
JAMES AND CHRISTINE SHIELDS

VERSUS

SAVOIE CONSTRUCTION, INC.,  
SAVOIE CONSTRUCTION AND DEVELOPMENT, LLC, AND  
FOSTER-TAYLOR FIREPLACES, INC.

Judgment Rendered: NOV 01 2017

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On Appeal from the  
22nd Judicial District Court  
In and for the Parish of St. Tammany  
State of Louisiana  
Trial Court No. 2012-10392  
Consolidated With 2012-10262

Honorable Peter J. Garcia, Judge Presiding

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TWH  
ahp  
GH

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\* \* \* \* \*

BEFORE: HIGGINBOTHAM, HOLDRIDGE, AND PENZATO, JJ.

**HIGGINBOTHAM, J.**

This consolidated matter has been before this court numerous times. For a detailed outline of the facts and procedural history in this controversial litigation, see **Shields v. Alvin R. Savoie & Associates, Inc.**, 2016-0825 c/w 2016-0826 (La. App. 1st Cir. 2/17/17), 214 So.3d 27, writ denied, 2017-0506 (La. 5/19/17), 220 So.3d 750 (“**Shields I**”), and **Shields v. Alvin R. Savoie & Associates, Inc.**, 2016-0827 c/w 2016-0828 (La. App. 1st Cir. 2/17/17), 217 So.3d 420 (“**Shields II**”). Most recently, the homeowners, James E. Shields, Jr. and Christine F. Shields, along with their two sons, filed another appeal related to the summary judgment dismissal of additional defendants, J. Ross Savoie and Ross Savoie Construction, LLC (collectively referred to as “Savoie”) in a related consolidated appeal decided this same date. See **Shields v. Alvin R. Savoie Construction, Inc., et al** (2017-0602 c/w 2017-0603 (La. App. 1st Cir. \_\_/\_\_/17), --- So.3d --- (“**Shields III**”). The particular consolidated appeal (“**Shields IV**”) currently before us concerns the summary judgment dismissal of Savoie’s commercial general liability insurer, American Empire Surplus Lines Insurance Company (“American Empire”).

In **Shields III**, we concluded that the district court properly dismissed the homeowners’ claims against Savoie as preempted. Because of our affirmation of the dismissal of the homeowners’ claims against Savoie, it follows that the homeowners no longer have a viable claim against Savoie’s insurer, American Empire. As we held in **Shields III**, the scope of American Empire’s liability extends only as far as the liability of its insureds, Savoie. Because the homeowners cannot recover damages against Savoie due to preemption, they likewise cannot recover damages against American Empire. See **Barnett v. Watkins**, 2006-2442 (La. App. 1st Cir. 9/19/07), 970 So.2d 1028, 1037, writ denied, 2007-2066 (La. 12/14/07), 970 So.2d 537.

Consequently, for the same reasons expressed in our opinion in the related **Shields III** consolidated appeal, we hereby affirm via summary opinion in accordance with Uniform Rules of Louisiana Courts of Appeal, Rule 2-16.2, the district court's grant of summary judgment in favor of American Empire and dismissal of all of the homeowners' claims against American Empire. All costs of these consolidated appeals are assessed against the homeowners, James E. Shields, Jr. and Christine F. Shields.

**AFFIRMED.**