

STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700

No. 56,550-CW
consolidated with 56,551-CW

TALBOT'S PHARMACEUTICALS
ASIA PACIFIC LIMITED, LUV N' CARE LTD.,
ADMAR INTERNATIONAL, INC., AND
TALBOT'S PHARMACEUTICALS FAMILY PRODUCTS, LLC

VERSUS

NEW VALMAR BV AND FRANCOIS DE VRIENDT

- consolidated with -

NUBY ASIA PACIFIC LIMITED,
ADMAR INTERNATIONAL, INC., AND
LUV N' CARE, LTD.

VERSUS

NEW VALMAR BV AND FRANCOIS DE VRIENDT

FILED: 05/16/25
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On application of New Valmar BV and Francois De Vriendt for SUPERVISORY WRIT in No. C-20240837 and C-20240838 on the docket of the Fourth Judicial District, Parish of OUACHITA, Judge Robert C. Johnson.

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New Valmar BV and
Francois De Vriendt
Counsel for:
Talbot's Pharmaceuticals Asia
Pacific Limited, Luv N' Care,
Ltd., Admar International, Inc.,
Talbot's Pharmaceuticals
Family Products, LLC, and
Nuby Asia Pacific Limited

Before COX, THOMPSON, and MARCOTTE, JJ.

WRIT GRANTED AND MADE PEREMPTORY; REMANDED WITH INSTRUCTIONS.

The applicants, New Valmar and Francois De Vriendt, (“Defendants”) seek review of trial court’s ruling denying their exceptions of lack of personal jurisdiction, improper venue and no cause of action including claims that the trial court erred in excluding their affidavit and exhibits and allowing the plaintiff to present testimonial evidence despite having provided no prior notice in contravention of district rules.

After review of the record and the arguments made by applicants, we find that the trial court abused its discretion in excluding the affidavit evidence and attached exhibits that Defendants, Belgian citizens, attached to their declinatory exceptions of lack of personal jurisdiction and exception of improper venue. La. C.C.P. art. 930; *Lewis v. Pine Belt Multipurpose Cmty. Action Acquisition Agency, Inc.*, 48,827 (La. App. 2 Cir. 4/9/14), 138 So. 3d 776, writ denied, 14-0965 (La. 8/25/14), 147 So. 3d 1119; *Johnson v. Byrd*, 48,411 (La. App 2 Cir. 9/25/13), 125 So. 3d 1220; *BioClin, BV v. MultiGyn USA, LLC*, 12-0962 (La. App. 4 Cir. 11/5/13), 129 So. 3d 633; *Jacobsen v. Asbestos Corp.*, 12-655 (La. App. 5 Cir. 5/30/13), 119 So. 3d 770; *Broussard v. Diamond Aircraft Industries, Inc.*, 10–1611 (La. App. 1 Cir. 5/3/11), 65 So. 3d 187. We further find that the trial court abused its discretion in allowing Plaintiffs to provide testimonial evidence at the exception hearing after providing no notice to the Defendants that a witness would be called in violation of Louisiana District Court Rule 9.8. Moreover, in light of the alleged forum selection clause asserted by Defendants, the declinatory exception of improper venue should be determined first, followed by the declinatory exception of lack of personal jurisdiction, and then the peremptory exception of no cause of action. *Luffey ex rel. Fredricksburg Props. of Tx., LP v. Fredericksburg Props. of Tx., LP*, 37,591 (La. App. 2 Cir. 12/10/03), 862 So. 2d 403; *Senior v. Overlog Inc.*, 24-0541 (La. App. 4 Cir. 4/21/25), 414 So. 3d 965; *Hosp. Serv. Dist. No. 1 of Par. of LaSalle v. Walters*, 22-351 (La. App. 3 Cir. 10/26/22), 353 So. 3d 219; *Tran v. Drinkable Air, Inc.*, 21-0182 (La. App. 1 Cir. 10/8/21), 330 So. 3d 1125.

The writ is granted and made peremptory. The trial court’s ruling denying the exceptions of lack of personal jurisdiction, improper venue, and no cause of action is reversed. This matter is remanded to the trial court for reconsideration of the exceptions in accordance with this order.

Shreveport, Louisiana, this 15 day of October, 2025.

CEM JSC JRT

FILED: October 15, 2025

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DEPUTY CLERK