

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

No. 56,774-CA

FREDERICK C. SMITH

VERSUS

FILED: 10/28/25  
RECEIVED: PM 10/21/25

SECURE PATIENT DELIVERY, LLC

On application of Frederick C. Smith for GENERAL NEGLIGENCE in No. 2024-CV-00038 on the docket of the Monroe City Court, Parish of OUACHITA (MONROE CITY COURT), Judge Aisha S. Clark.

LAW OFFICE OF ANTHONY J. BRUSCATO  
Anthony J. Bruscatto

Counsel for:  
Frederick C. Smith

RABALAIS UNLAND LLP  
John Joseph Rabalais  
Matthew D. Crumhorn

Counsel for:  
Secure Patient Delivery, LLC

BEFORE STONE, MARCOTTE, and ELLENDER, JJ

**WRIT GRANTED; AFFIRMED; REMANDED WITH INSTRUCTIONS.**

The applicant, Frederick C. Smith, seeks review of the trial court's ruling granting the defendant's exception of improper venue. After *de novo* review of the record, we find that grounds of improper venue appear from the face of the petition, due to Smith's failure to adequately plead the existence of a contract. *Chumley v. White*, 46,479 (La. App. 2 Cir. 11/9/11), 80 So. 3d 39, writ denied, 11-2741 (La. 2/17/12), 82 So. 3d 288; *Moore v. Vauthier*, 23-1046 (La. App. 1 Cir. 4/19/24), 389 So. 3d 872. See also, *J. Caldarera & Co. v. Stigler*, 24-402 (La. App. 5 Cir. 2/26/25), 406 So. 3d 1200, writ denied, 25-00406 (La. 6/3/25), 410 So. 3d 787; *Mautner v. Ware*, 19-611 (La. App. 5 Cir. 5/27/20), 296 So. 3d 1209. The writ is granted, and the ruling of the trial court is affirmed. We find however, that the trial court failed to dismiss or transfer the action pursuant to La. C.C.P. art. 121. This matter is remanded to the trial court for further action in accordance with La. C.C.P. art. 121.

Shreveport, Louisiana, this 25 day of February, 2025.

COM                      SDS                      DJE

FILED: February 25, 2026

Melby Melton

DEPUTY CLERK