

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 13-30669  
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United States Court of Appeals  
Fifth Circuit

**FILED**

August 13, 2015

Lyle W. Cayce  
Clerk

R.T. FAULK, III, COREY FARMS, L.L.C.; FAULK FARMS,  
INCORPORATED; JOANNE HODGES; RIVER VALLEY PROPERTIES;  
MCHENRY FARMS, L.L.C.; SHERMAN SHAW; T. P. GODWIN; WILLIAM  
G. NADLER; MCHENRY REALTY PARTNERSHIP

Plaintiffs-Appellees

v.

UNION PACIFIC RAILROAD COMPANY

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:07-CV-554  
\_\_\_\_\_

Before JOLLY, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:\*

This case concerns a dispute over the proposed closing of several private railroad crossings in Louisiana. The district court determined that the railroads have a servitude, rather than fee-simple ownership, over the land. It then certified to this court the question of whether a Louisiana statute preventing the railroads from closing the private crossings violates the

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 13-30669

Louisiana Constitution's prohibition on takings. We granted the interlocutory appeal, addressed certain issues, and certified the remaining dispositive issue to the Louisiana Supreme Court pursuant to Louisiana Supreme Court Rule XII § 1 and LA. REV. STAT. § 13:72.1. *See Faulk v. Union Pac. R.R. Co.*, 576 F. App'x 345 (5th Cir. 2014). That court accepted the certified question and issued its answer on June 30, 2015. *Faulk v. Union Pac. R.R. Co.*, 2015 La. LEXIS 1498 (La. June 30, 2015) (answering certified question); *Faulk v. Union Pac. R.R. Co.*, 151 So. 3d 611 (La. 2014) (granting certification). We ordered supplemental briefing by the parties on the subject of whether any further issues remain to be resolved by this court at this point. They stated that there are not, and we agree.

Accordingly, the district court's March 22, 2013 partial summary judgment order certified for interlocutory appeal is **AFFIRMED** and the case is **REMANDED** for appropriate further proceedings.