

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

\_\_\_\_\_  
No. 17-30031  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

December 13, 2017

Lyle W. Cayce  
Clerk

PEAKER ENERGY GROUP, L.L.C.;  
ENERGY COAST LOGISTICS TERMINAL, L.L.C.,

Plaintiffs–Appellants,

versus

CARGILL, INCORPORATED; LOUISIANA SUGAR REFINING, L.L.C.,

Defendants–Appellees.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
No. 2:14-CV-2106  
\_\_\_\_\_

Before SMITH, BARKSDALE, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

The plaintiffs sued under various state-law theories after negotiations for a lease were unsuccessful. The district court granted summary judgment

\_\_\_\_\_  
\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-30031

to the defendants, concluding that the plaintiffs could not prove lost profits or lost business value with reasonable certainty. The court issued a concise but adequate “Order and Reasons,” explaining that “Plaintiffs have failed to put forth evidence sufficient to prove with reasonable certainty that Plaintiffs’ venture, but for Defendants’ allegedly wrongful conduct, would have been successful and generated profits.” The court reasoned that “the combination [of seven specified factors] pushes the speculative and uncertain nature of the success.”

We have reviewed the briefs, pertinent parts of the record, and the applicable law and have heard the helpful arguments of counsel. The summary judgment is **AFFIRMED**, essentially for the reasons given by the district court.