

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**JOSHUA BASS**

**CIVIL ACTION**

**VERSUS**

**NO. 13-5175**

**SUPERIOR ENERGY SERVICES, INC.**

**SECTION: "G"(4)**

**ORDER**

Before the Court is Defendant Energy XXI GOM, LLC's ("Energy XXI") Motion for Summary Judgment.<sup>1</sup> After considering the motion, the memorandum in support,<sup>2</sup> the notice of no opposition,<sup>3</sup> the record, and the applicable law, the Court will grant the motion.

Summary judgment is appropriate when the pleadings, the discovery, and any affidavits show that "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."<sup>4</sup> When assessing whether a dispute as to any material fact exists, the court considers "all of the evidence in the record but refrains from making credibility determinations or weighing the evidence."<sup>5</sup> All reasonable inferences are drawn in favor of the nonmoving party, but "unsupported allegations or affidavits setting forth 'ultimate or conclusory facts and conclusions of law' are insufficient to either support or defeat a motion for summary judgment."<sup>6</sup> If the record, as

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<sup>1</sup> Rec. Doc. 40.

<sup>2</sup> Rec. Doc. 40-1.

<sup>3</sup> See Exhibit A

<sup>4</sup> Fed. R. Civ. P. 56(a); see also *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986); *Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir. 1994).

<sup>5</sup> *Delta & Pine Land Co. v. Nationwide Agribusiness Ins. Co.*, 530 F.3d 395, 398-99 (5th Cir. 2008).


<sup>6</sup> *Galindo v. Precision Am. Corp.*, 754 F.2d 1212, 1216 (5th Cir. 1985); *Little*, 37 F.3d at 1075.

a whole, could not lead a rational trier of fact to find for the non-moving party, then no genuine issue of fact exists and the moving party is entitled to judgment as a matter of law.<sup>7</sup>

Here, Plaintiff has informed Energy XXI that it has no objections to Energy XXI's Motion for Summary Judgment. Moreover, Plaintiff has not filed an opposition to Energy XXI's Motion for Summary Judgment. After reviewing the record and filings, the Court finds that there is no disputed issue of material fact regarding Energy XXI's liability for Plaintiff's injuries sustained as the result of an offshore accident that occurred on Energy XXI's oil platform. Based on the record, the Court finds—and Plaintiff does not contest—that Plaintiff cannot carry his burden of proving that Energy XXI owed Plaintiff a legal duty. The record is void of any evidence suggesting that Energy XXI had any authority or supervision over Plaintiff at the time Plaintiff allegedly incurred his injuries or that any agent of Energy XXI directed Plaintiff in such a way as to contribute to Plaintiff's alleged injuries. Accordingly,

**IT IS HEREBY ORDERED** that Defendant Energy XXI's Motion for Partial Judgment is **GRANTED**.<sup>8</sup>

**NEW ORLEANS, LOUISIANA**, this 22ndday of July, 2014.

  
**NANNETTE JOLIVETTE BROWN**  
**UNITED STATES DISTRICT JUDGE**

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<sup>7</sup> *Matsushita Elec. Indus. Co. v. Zenith Radio*, 475 U.S. 574, 586 (1986).

<sup>8</sup> Rec. Doc. 40.