

FILED  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

CHEVRON U.S.A., INC.

2018 JUL 17 P 2:18  
CIVIL ACTION

VERSUS

NO. 08-76-JJB

ENERGEN RESOURCES  
CORPORATION**RULING ON MOTION FOR SUMMARY JUDGMENT**

Third party defendant, Southern Bay Energy, LLC, ("Southern Bay") brings this motion for summary judgment against third party plaintiff, Energen Resources Corporation ("Energen"). (Doc. 54). Energen has filed a response. (Doc.66). There is no need for oral argument. This Court's jurisdiction is based on 28 U.S.C. § 1332 *et seq.*

This action arises from oil and gas operations conducted by the predecessor of Chevron U.S.A., Inc., under a mineral lease, referred to as the "Gay Union Lease." Chevron claims that Energen, through a series of assignments, is liable for remediation, defense, and indemnification associated with certain lawsuits brought under the Gay Union Lease. Energen in turn filed a third party demand against Southern Bay, claiming that it has acquired the liabilities at issue through a series of assignments, mergers, and acquisitions.

Southern Bay states in its Statement of Uncontested Facts that it "never acquired or succeeded to the Gay Union Lease and associated contracts."<sup>1</sup> It asserts that it "cannot be liable for the obligations arising from the Gay Union Lease and the associated contracts referenced by Energen. Therefore, [it] has no liability in this case,

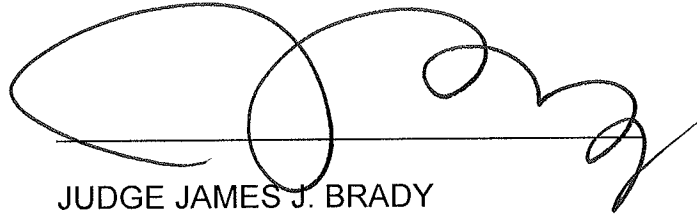
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<sup>1</sup> Doc. 54-3, page 2, ¶ 9.

and Energen's claim should be dismissed, with prejudice."<sup>2</sup> In response, Energen informs the court that "it does not oppose Southern Bay Energy, LLC's Motion for Summary Judgment."<sup>3</sup>

Based on Energen's notice of no opposition, this Court finds that no genuine issue of material fact exists with regard to Southern Bay's motion for summary judgment. Accordingly, Southern Bay's motion for summary judgment is hereby GRANTED. (Doc. 54). Energen's claims against Southern Bay are hereby DISMISSED.

Signed in Baton Rouge, Louisiana, on July 17, 2009.

A handwritten signature in black ink, consisting of several large, overlapping loops and a trailing flourish, positioned above a horizontal line.

JUDGE JAMES J. BRADY  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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<sup>2</sup> Doc. 54-2, page 8.

<sup>3</sup> Doc. 66, page 1.