

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ROBERT H. GATTI, SR., ET AL.

CIVIL ACTION

VERSUS

NUMBER 10-329-JJB-DLD

THE STATE OF LOUISIANA, ET AL.

ORDER

This matter is scheduled for **ORAL ARGUMENT** on **November 16, 2010, at 2:00 p.m. in Courtroom 6**. The parties should be prepared to address the issues raised in the motions to remand filed by the State of Louisiana (rec. doc. 56) and plaintiffs (rec. doc. 57) and the motions to abstain pursuant to the Burford Doctrine filed by the defendants (rec. docs. 58, 59, 60). Additionally, the parties should be prepared to discuss the following:

- the claims alleged in plaintiffs' petition and the anticipated procedural path of this case whether it remains in this court, is remanded to state court, or is partially remanded and the declaratory judgment action and damages action proceed in separate forums;
- the role of and relief sought from the Commissioner of Conservation in this matter;
- whether the claims in plaintiffs' petition constitute a collateral attack on an order of the Commissioner of Conservation as recognized in *Trahan v. Superior Oil Co.*, 700 F.2d 1004 (5<sup>th</sup> Cir. 1983), and if so, what effect does that have on this matter.

Signed in Baton Rouge, Louisiana, on October 29, 2010.



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MAGISTRATE JUDGE DOCIA L. DALBY