

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2018 CA 0360

PONTCHARTRAIN NATURAL GAS SYSTEM,  
K/D/S PROMIX, L.L.C., AND  
ACADIAN GAS PIPELINE SYSTEM

VERSUS

TEXAS BRINE COMPANY, LLC

Judgment Rendered: JUL 03 2019

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On Appeal from the  
23rd Judicial District Court  
In and for the Parish of Assumption  
State of Louisiana  
Trial Court No. 34,265

Honorable Thomas J. Kliebert, Jr., Judge Presiding

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BEFORE: HIGGINBOTHAM, CRAIN, AND PENZATO, JJ.

TMA  
AHP by TMA  
WJC by TMA

**HIGGINBOTHAM, J.**

Appellant/third-party plaintiff, Texas Brine Company, LLC (“Texas Brine”), challenges the district court’s August 21, 2017 summary judgment dismissing plaintiffs’, Pontchartrain Natural Gas System, K/D/S Promix, L.L.C., and Acadian Gas Pipeline System (collectively “Pontchartrain”), claims against appellee/third-party defendant, Browning Oil Company, Inc. (“Browning”).

This ongoing matter has been before this court on numerous occasions, the most recent of which was an appeal by Texas Brine concerning a judgment that granted an involuntary dismissal in favor of Browning, dismissing *all* claims against Browning at the trial on liability. See Pontchartrain Natural Gas System v. Texas Brine Company, LLC, 2018-0631 (La. App. 1st Cir. 7/3/19), \_\_\_ So.3d \_\_\_. The factual background and procedural history of the litigation leading to that particular appeal will not be repeated herein; we adopt by reference that which was set forth in that opinion, affirming the involuntary dismissal of all claims against Browning.

This court is bound to follow our decision affirming the dismissal of all of the parties’ claims against Browning. See Pontchartrain Natural Gas System v. Texas Brine Company, LLC, 2018-0004 (La. App. 1st Cir. 6/6/18), 255 So.3d 644, 645, writ denied, 2018-1431 (La. 12/3/18), 257 So.3d 1259. Because this court affirmed the district court’s ruling that Browning is free of liability in the sinkhole litigation and Browning has been dismissed, there is absolutely no need for further discussion or analysis of a pre-trial summary judgment ruling dismissing claims against Browning. It is well settled that appellate courts will not render advisory opinions. See Tobin v. Jindal, 2011-0838 (La. App. 1st Cir. 2/10/12), 91 So.3d 317, 321. For that reason, we affirm the August 21, 2017 judgment on appeal.

Additionally, we deny Browning's motion to dismiss this appeal as moot since our decision affirming the district court's involuntary dismissal of Browning is not a final and definitive judgment until the Louisiana Supreme Court denies any possible application for certiorari or the delays run for applying for certiorari and/or rehearing. See La. Code Civ. P. arts. 2166(D) & (E) and 2167(C). See also **Pontchartrain**, 255 So.3d at 648. If the supreme court does not reverse our decision on Browning's involuntary dismissal, at that point the judgment will be final and will acquire the authority of a thing adjudged, which no court has jurisdiction to change. **Id.** Then all claims against Browning will become moot.

Finally, we deny Texas Brine's motion to stay this appeal until this court has issued a decision on yet another pending appeal concerning a different appellant and the allocation of fault at the liability trial. We find there is no valid reason to abstain from exercising jurisdiction over this matter pending completion of the appellate process regarding the liability trial.

This memorandum opinion is issued in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.1(B). All costs of this appeal are assessed to appellant/third-party plaintiff, Texas Brine Company, LLC.

**MOTION TO DISMISS DENIED; MOTION TO STAY DENIED;  
JUDGMENT AFFIRMED.**