

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2018 CA 0421

FLORIDA GAS TRANSMISSION COMPANY, LLC

VERSUS

TEXAS BRINE COMPANY, LLC, ET AL.

Judgment Rendered: AUG 05 2019

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On Appeal from
The 23rd Judicial District Court,
Parish of Assumption, State of Louisiana
Trial Court No. 34316

The Honorable Thomas J. Kliebert Jr., Judge Presiding

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BEFORE: McDONALD, CRAIN, and LANIER, JJ.

WJ
MM
WILT II
by WJ

CRAIN, J.

Texas Brine Company, LLC, appeals a summary judgment dismissing Florida Gas Transmission Company, LLC's claims against Browning Oil Company, Inc. We affirm.

This is one of several lawsuits arising out of a sinkhole in Assumption Parish that developed on or about August 3, 2012, following the collapse of a salt mine cavern. Florida Gas Transmission Company sued Texas Brine, among other defendants, alleging Texas Brine's salt mining operations caused the collapse of the cavern and the resulting sinkhole, which damaged two of Florida Gas's nearby pipelines. Florida Gas amended its petition to include claims against Browning Oil, which from 1991 to 2001 operated a nearby oil and gas well, sometimes referred to as the "AH1 well."

Browning Oil moved for summary judgment, asserting Florida Gas could not prove the essential elements of the claims against Browning Oil. The trial court agreed and signed a judgment on August 21, 2017, granting the motion and dismissing Florida Gas's claims against Browning Oil with prejudice. Texas Brine appeals.

In a related proceeding, a different panel of this court affirmed a similar summary judgment dismissing claims filed by Pontchartrain Natural Gas System, K/D/S Promix, L.L.C. and Acadian Gas Pipeline System against Browning Oil. *See Pontchartrain Natural Gas System v. Texas Brine Company, LLC*, 18-0360, 2019WL2865129 (La. App. 1 Cir. 7/3/19), ____ So. 3d _____. For the reasons provided in *Pontchartrain Natural Gas System*, we affirm the August 21, 2017 summary judgment. We deny Browning Oil's motion to dismiss the appeal and Texas Brine's motion to stay, and grant Browning Oil's motion to cite the appellate record in 2018 CA 0549. This memorandum opinion is issued in

accordance with Uniform Rules—Courts of Appeal, Rule 2-16.1B. All costs of this appeal are assessed to Texas Brine.

**MOTION TO DISMISS DENIED; MOTION TO STAY DENIED;
MOTION TO CITE APPELLATE RECORD IN 2018 CA 0549 GRANTED;
SUMMARY JUDGMENT AFFIRMED.**