

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2018 CA 0549

FLORIDA GAS TRANSMISSION COMPANY, LLC

VERSUS

TEXAS BRINE COMPANY, LLC, ET AL.

Judgment Rendered: JUL 01 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 THERIOT, JJ.

CRAIN, J.

Texas Brine Company, LLC, appeals a summary judgment dismissing its tort claims against the non-operators of an oil and gas well. 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. Texas Brine filed incidental demands asserting both tort and contract claims against various parties, including the non-operators of a nearby oil and gas well, referred to herein as the “AH1 well.” The defendant non-operators include Sol Kirschner, LORCA Corporation, Colorado Crude Company, and Reliance Petroleum Corporation and its insurer, Chicago Insurance Company (collectively “the non-operators”).

The non-operators filed motions for summary judgment seeking dismissal of Texas Brine’s tort claims allegedly arising both before and after 1996, as well as related indemnity and contribution claims. In a judgment signed August 23, 2017, the trial court granted the motions and dismissed Texas Brine’s tort, indemnity, and contribution claims against the non-operators.¹ Texas Brine appeals.

The arguments presented by Texas Brine were addressed in a related appeal decided by this circuit, *Pontchartrain Natural Gas System v. Texas Brine Company, LLC*, 18-0606 (La. App. 1 Cir. 12/21/18), 268 So. 3d 1058, *writ denied*, 19-0526 (La. 6/17/19), ___ So. 3d ___, which affirmed an identical summary judgment dismissing the same claims in that proceeding against the non-operators. Finding no material distinctions between the evidence and arguments asserted in

¹ The trial court certified the judgment as a final, appealable judgment pursuant to Louisiana Code of Civil Procedure article 1915B.

the two proceedings, we affirm the August 23, 2017 summary judgment for the reasons contained in *Pontchartrain Natural Gas System*.² 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.

AFFIRMED.

² In a rehearing application in *Pontchartrain Natural Gas System*, Texas Brine argued the court incorrectly evaluated its summary judgment evidence. Although we note that Michael Veazey's affidavit was proper summary judgment evidence, we agree with the *Pontchartrain* court's conclusion that his opinion is "wholly irrelevant as to any actions or omissions by the nonoperators of the [AH1 well]." *Pontchartrain*, 268 So. 3d at 1059.