

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2018 CA 0900

CROSSTEX ENERGY SERVICES, LP, CROSSTEX LIG, LLC AND
CROSSTEX PROCESSING SERVICES, LLC

VERSUS

TEXAS BRINE COMPANY, LLC, ET AL.

Judgment Rendered: AUG 05 2019

APPEALED FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF ASSUMPTION
STATE OF LOUISIANA
DOCKET NUMBER 34202

HONORABLE THOMAS J. KLIEBERT, JR., JUDGE

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BEFORE: McDONALD, CRAIN, and PENZATO, JJ.

Handwritten initials and signatures:
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McDONALD, J.

This appeal relates to one of several lawsuits arising from the August 3, 2012 sinkhole that developed near Bayou Corne in Assumption Parish, Louisiana. In this appeal, Texas Brine Company, LLC, defendant and third-party plaintiff, appeals an October 31, 2017 district court judgment dismissing all of its claims with prejudice against Browning Oil Company, Inc., a third-party defendant in this litigation, on a motion for involuntary dismissal. Texas Brine also challenges the pre-trial summary judgment that dismissed Texas Brine's claims against Browning Oil Company under pre-1996 law.

This court recently held in **Pontchartrain Natural Gas System v. Texas Brine Company, LLC**, 2018-0606 (La. App. 1 Cir. 12/21/18), 268 So.3d 1058, 1063, writ denied, 2019-0526 (La. 6/7/19), __So.3d__, that since all of Texas Brine's property and equipment was allegedly damaged *after* the sinkhole occurred, and the remaining third-party tort claims for litigation expenses, lost profits, and environmental-response costs certainly occurred *after* the sinkhole emerged in August 2012, the substantive law in effect at that time applies. In that case, this court found that the district court did not err in granting summary judgment in favor of the non-operators (Reliance Corporation, LORCA Corporation, Colorado Crude Company, and Sol Kirschner), and dismissing all of Texas Brine's third-party tort claims, including indemnity and contribution, against each of the non-operators, and affirmed the district court judgment. **Pontchartrain**, 268 So.3d at 1064.

Thereafter, in **Pontchartrain Natural Gas System v. Texas Brine Company, LLC**, 2018-0631 (La. App. 1 Cir. 7/3/19), 2019 WL 2865136, *5, __So.3d __, this court found that the district court's October 31, 2017 judgment, granting Browning Oil Company's motion for involuntary dismissal and dismissing all of Texas Brine's claims against it with prejudice, was reasonable and

not clearly wrong, and this court affirmed the district court judgment. Further, this court found that upholding the district court's grant of Browning Oil Company's motion for involuntary dismissal negated any need for further discussion or analysis of Texas Brine's pre-1996 claims against Browning Oil Company. **Pontchartrain Natural Gas System**, 2019 WL 2865136 at *6, __ So. 3d at __.

The judgment in this case is based on the same evidence considered in **Pontchartrain Natural Gas System**, 2018-0631, and we affirm the October 31, 2017 district court judgment involuntarily dismissing all of Texas Brine's claims against Browning Oil Company with prejudice for the reasons stated therein. Texas Brine's September 24, 2018 motion to supplement the record with exhibits is granted, and this court's clerk of court is hereby instructed to supplement the record with the exhibits referenced in and attached to the motion. This summary opinion is issued in accordance with Uniform Rules-Courts of Appeal, Rule 2-16.2A(2) and (8). All costs of this appeal are assessed against Texas Brine Company, LLC.

AFFIRMED; TEXAS BRINE'S MOTION TO SUPPLEMENT RECORD GRANTED.