

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2018 CA 1215

FLORIDA GAS TRANSMISSION COMPANY, LLC

VERSUS

TEXAS BRINE COMPANY, LLC, ET AL.

Judgment Rendered: SEP 27 2019

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On Appeal from  
The 23<sup>rd</sup> 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: GUIDRY, McDONALD, AND CRAIN, JJ.

**CRAIN, J.**

Texas Brine Company, LLC, appeals a January 31, 2018 judgment granting declinatory exceptions of *lis pendens* filed by AIG Specialty Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA, and New Hampshire Insurance Company (collectively, Oxy Insurers), as alleged insurers of Occidental Chemical Corporation, Occidental Petroleum Corporation, and/or Oxy USA, Inc. The judgment dismissed Texas Brine’s claims against the Oxy Insurers without prejudice “in favor of the first-filed set of claims and demands pending in . . . *Gustave J. LaBarre, Jr., et al. versus Occidental Chemical Company, et al.*, Docket No. 33,796, 23rd Judicial District Court, Parish of Assumption, State of Louisiana.”

The arguments presented by Texas Brine herein were addressed in a related appeal decided by this circuit, *Crosstex Energy Services, LP v. Texas Brine Company, LLC*, 18-1323 (La. App. 1 Cir. 8/8/19), \_\_\_ So. 3d \_\_\_ (2019WL3757601), which affirmed a similar judgment granting declinatory exceptions of *lis pendens* filed by the Oxy Insurers. Following *Crosstex Energy Services*, we affirm the January 31, 2018 judgment. 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.**