

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

DEVON ENERGY PRODUCTION
COMPANY, L.P.

NO. 2020 CW 0992

VERSUS

LOUISIANA DEPARTMENT OF
NATURAL RESOURCES AND THOMAS
HARRIS, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE
LOUISIANA DEPARTMENT OF
NATURAL RESOURCES

DECEMBER 30, 2020

In Re: Devon Energy Production Company, L.P., applying for
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 699354.

BEFORE: GUIDRY, McCLENDON, AND LANIER, JJ.

WRIT GRANTED. We reverse the October 20, 2020 district court judgment that granted the dilatory exception of lis pendens and stayed this action. The party filing the objection of lis pendens has the burden of proving the facts necessary for the exception to be granted. **Patten/Jenkins BR Popeyes, L.L.C. v. SRG Baton Rouge II, L.L.C.**, 2019-1160 (La. App. 1st Cir. 6/16/20), ___ So.3d ___, ___, 2020 WL 3249296, *6. The Louisiana Department of Natural Resources did not meet its burden of proving its entitlement to the relief sought in that the two actions do not arise from the same transaction or occurrence. The exception of lis pendens is denied.

JMG
PMc
WIL

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT