

**DOCKET OF THE COURT OF APPEAL, FIRST CIRCUIT**  
**McDonald, Crain, and Holdridge**  
**Baton Rouge, Louisiana, Wednesday, February 27, 2019**

**COURTROOM 2**

IN THE CASES LISTED ALL COUNSEL OF RECORD  
WHO ARE TO ARGUE SHOULD BE PRESENT IN THE  
COURTROOM TO ANSWER THE DOCKET CALL AT 09:30 AM  
AND BE READY WHEN THE CASE IS CALLED. *If a party wishes to  
waive oral argument, the party should notify the court no later than 48  
hours before oral argument.*

1600 N. Third Street  
P.O. Box 4408  
Baton Rouge, LA 70821  
PHONE (225) 382-3000

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Oral argument is permitted only when a request in accordance with Rule 2-11.4 is made and the brief is filed timely or when required by the Court (See Rule 2-12.12).

**LEGEND**

\*\*=Case to be submitted on briefs - Request for oral argument not filed, or not timely filed, and not reinstated  
T=Brief filed timely    L=Brief filed late    I=Indeterminable, delays have not expired    NB-No brief filed

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2018CA0068

Florida Gas Transmission Company, LLC  
vs.  
Texas Brine Company, LLC

NB RLI Insurance Company, Appellee Represented by  
Alan D. Ezkovich

NB Liberty Insurance Underwriters, Inc., Appellee Represented by  
Judy Y. Barrasso  
Stephen L. Miles  
Kyle L. Wallace  
David N. Luder

NB Chubb Custom Insurance Company, Appellee Represented by  
John P. Wolff III  
Nancy Brehm Gilbert  
Brian T. Butler  
Mark T. Assad

NB Florida Gas Transmission Co., LLC, Appellee Represented by  
James K. Ordeneaux  
Lacey E. Sarver

T Texas Brine, Appellee Represented by  
Bradley C. Myers  
Troy J. Charpentier  
Katie Deranger Bell  
Eric Julian Mayer Esq.  
Robert Ryland Percy III  
James M. Garner  
Martha Y. Curtis  
Peter L. Hilbert Jr.  
Leopold Zangwill Sher Esq.  
Neal Joseph Kling  
Jeffrey D. Kessler  
James Kuhn  
Travis J. Turner

T Occidental Chemical Company, Appellant Represented by  
Martin A. Stern Esq.  
Raymond Peter Ward  
Leigh Ann Schell  
Bethany W. Kristovich  
Brad D. Brian  
Daniel B. Levin  
Sara C. Valentine  
Richard J. Hymel

NB Legacy Vulcan Corporation f/k/a Vulcan Materials Company, Appellee Represented by  
Roy Clifton Cheatwood  
Kent Andrew Lambert  
Adam Bennett Zuckerman  
Tyler L. Weidlich  
Matthew C. Juneau

NB Browning Oil Company, Colorado Crude Company, LORCA Corporation, Appellee Represented by  
Christopher B. Bailey  
Matthew Joseph Randazzo III  
Shawn A. Carter  
Joshua S. Barnhill  
Will Montz

NB Reliance Petroleum Corp., Appellee Represented by  
Joseph L. Shea Esq.  
Katherine Smith Baker  
Ashley G. Gable  
Joshua S. Chevallier

NB Adams Resource Exploration Corporation, Appellee Represented by  
Jason M. Cerise

NB St. Paul Fire and Marine Insurance Company, Appellee Represented by  
Ralph S. Hubbard III  
Seth Andrew Schmeeckle  
Daniel B. Centner  
Carey Austin Holliday

NB TIG Insurance Company, Appellee Represented by  
Jay Michael Lonero Esq.  
Thomas H. Peyton

NB Pacific Insurance Company, Limited, Appellee Represented by  
Gary M. Zwain  
Paul Jeffrey Verlander Esq.

- NB Westchester Fire Insurance Co., Appellee Represented by  
Sarah R. Smith  
Kent M. Adams
- NB Great American Assurance Company, Appellee Represented by  
Robert John Young III
- NB American Guarantee, Zurich American Insurance Company, and Steadfast  
Insurance Company, Appellee Represented by  
Glen E. Mercer  
Philip R. King
- NB National Union Fire Insurance Company of Pittsburgh, PA, Lexington  
Insurance Company, et al, Appellee Represented by  
Ingrid Kemp Laurendine  
Mary Susan Johnson
- NB Fireman's Fund Insurance Company, Fireman's Fund Insurance Company of  
Ohio and National Surety Corp., Appellee Represented by  
Sidney W. Degan III  
James Albert Rowell
- NB Arch Specialty Insurance Company, Appellee Represented by  
John L. Robert III  
Edwin Preis Jr. Esq.
- NB Allied World Assurance Company, Appellee Represented by  
Jake P. Skaggs
- NB Fairmont Specialty Insurance Company f/k/a Ranger Insurance Company,  
Appellee Represented by  
Jay Michael Lonero Esq.  
Angie L Akers  
Thomas H. Peyton
- NB Hansa Marine Insurance Co. (UK) Limited; Phoenix Assurance, PLC; Sirius  
International Insurance Company, et al, Appellee Represented by  
Gustave A. Fritchie III  
McDonald G. Provosty
- NB Northfield Insurance Company, Appellee Represented by  
Celeste Darmstadter Elliott
- NB National Fire Insurance Company of Hartford, Appellee Represented by  
D. Ashbrooke Tullis
-

2018CA0075

Florida Gas Transmission Company, LLC  
vs.  
Texas Brine Company, LLC

NB RLI Insurance Company, Appellee Represented by  
Alan D. Ezkovich

NB Liberty Insurance Underwriters, Inc., Appellee Represented by  
Judy Y. Barrasso  
Stephen L. Miles  
Kyle L. Wallace  
David N. Luder

NB Chubb Custom Insurance Company, Appellee Represented by  
John P. Wolff III  
Nancy Brehm Gilbert  
Brian T. Butler  
Mark T. Assad

NB Florida Gas Transmission Co., LLC, Appellee Represented by  
James K. Ordeneaux  
Lacey E. Sarver

T Texas Brine, Appellee Represented by  
Bradley C. Myers  
Troy J. Charpentier  
Katie Deranger Bell  
Eric Julian Mayer Esq.  
Robert Ryland Percy III  
James M. Garner  
Martha Y. Curtis  
Peter L. Hilbert Jr.  
Leopold Zangwill Sher Esq.  
Neal Joseph Kling  
Jeffrey D. Kessler  
James Kuhn  
Travis J. Turner

T Occidental Chemical Company, Appellant Represented by  
Martin A. Stern Esq.  
Frank L. Maraist  
Raymond Peter Ward  
Leigh Ann Schell  
Bethany W. Kristovich  
Brad D. Brian  
Daniel B. Levin  
Sara C. Valentine  
Richard J. Hymel

NB Legacy Vulcan Corporation f/k/a Vulcan Materials Company, Appellee Represented by  
Douglas K. Williams  
Christopher Mason  
Michael Charles Luquet Esq.  
Donald W. Brown  
Roy Clifton Cheatwood  
Kent Andrew Lambert  
Adam Bennett Zuckerman  
Tyler L. Weidlich  
Matthew C. Juneau

NB Browning Oil Company, Colorado Crude Company, LORCA Corporation, Appellee Represented by  
Will Montz  
Christopher B. Bailey  
Matthew Joseph Randazzo III  
Shawn A. Carter  
Joshua S. Barnhill

NB Reliance Petroleum Corp., Appellee Represented by  
Ashley G. Gable  
Joshua S. Chevallier  
Joseph L. Shea Esq.  
Katherine Smith Baker

NB Adams Resource Exploration Corporation, Appellee Represented by  
Jake Weixler  
Jason M. Cerise

NB St. Paul Fire and Marine Insurance Company, Appellee Represented by  
Ralph S. Hubbard III  
Seth Andrew Schmeackle  
Daniel B. Centner  
Carey Austin Holliday

- NB TIG Insurance Company, Appellee Represented by  
Jay Michael Lonero Esq.  
Thomas H. Peyton
- NB Pacific Insurance Company, Limited, Appellee Represented by  
Gary M. Zwain  
Paul Jeffrey Verlander Esq.
- NB Westchester Fire Insurance Co., Appellee Represented by  
Sarah R. Smith  
Kent M. Adams
- NB Great American Assurance Company, Appellee Represented by  
Robert John Young III
- NB American Guarantee, Zurich American Insurance Company, and Steadfast Insurance Company, Appellee Represented by  
Glen E. Mercer  
Philip R. King
- NB National Union Fire Insurance Company of Pittsburgh, PA, Lexington Insurance Company, et al, Appellee Represented by  
Ingrid Kemp Laurendine  
Mary Susan Johnson
- NB Fireman's Fund Insurance Company, Fireman's Fund Insurance Company of Ohio and National Surety Corp., Appellee Represented by  
Sidney W. Degan III  
James Albert Rowell
- NB Arch Specialty Insurance Company, Appellee Represented by  
John L. Robert III  
Edwin Preis Jr. Esq.
- NB Allied World Assurance Company, Appellee Represented by  
Jake P. Skaggs
- NB Fairmont Specialty Insurance Company f/k/a Ranger Insurance Company, Appellee Represented by  
Jay Michael Lonero Esq.  
Angie L Akers  
Thomas H. Peyton
- NB Hansa Marine Insurance Co. (UK) Limited; Phoenix Assurance, PLC; Sirius International Insurance Company, et al, Appellee Represented by  
Gustave A. Fritchie III  
McDonald G. Provosty
- NB Northfield Insurance Company, Appellee Represented by  
Celeste Darmstadter Elliott
- NB National Fire Insurance Company of Hartford, Appellee Represented by  
D. Ashbrooke Tullis
- NB 2018 CA 0241 - Pontchartrain Natural Gas System, KDS Promix, and Acandian Gas Pipeline, Appellee Represented by  
James C. Percy  
Kevin O. Ainsworth  
Brett S. Venn
- NB 2018 CA 0241 and 0796 - Scottsdale Insurance Company, Appellee Represented by  
Katharine Karam Quick  
Pablo Gonzalez  
Katie Whitman Myers
- NB 2018 CA 0241 and 0796 - London Market Insurance Companies, et al, Appellee Represented by  
Fallyn B. Cavalieri
- NB 2018 CA 0796 - EnLink Midstream Operating, LP, EnLink LIG, LLC, and EnLink Processing Services, Appellee Represented by  
Frank X. Neuner Jr.  
Ben L. Mayeaux  
Melissa L. Theriot  
Cliff A. Lacour  
Carolyn C. Cole  
R. Graham Arnold  
Kenneth Dupaty  
Timothy J. Barbier
- NB 2018 CA 0796 - Gustave J. LaBarre, Jr., et al, Appellee Represented by  
Donald T. Carmouche  
Victor L. Marcello  
John H. Carmouche  
William R. Coenen III  
Brian T. Carmouche  
Ross J. Donnes

- D. Adele Owen
- Leah Cotton Poole
- Caroline H Martin
- Thomas Daniel Daigle Esq.
- NB 2018 CA 0796 - Lexington Insurance Company (in its capacity as an excess insurer of Vulcan Materials Company), Appellee Represented by
  - S. Suzanne Mahoney
  - Blair Naquin Green
- NB 2018 CA 0796 - Lexington Insurance Company (in its capacity as excess insurer of Browning Oil Company), Appellee Represented by
  - Chadwick James Mollere
  - Nichole M. Gray
- NB 2018 CA 0796 - Sol Kirschner, Appellee Represented by
  - Charles E. Tabor
  - Reid A Jones
- NB 2018 CA 0796 - Louisiana Department of Natural Resources, Appellee Represented by
  - Patrick B. McIntire
- NB 2018 CA 0796 - Aspen Insurance UK, LTD, Appellee Represented by
  - Richard Nelson Dicharry Esq.
- NB 2018 CA 0796 - Michael Starns, Appellee Represented by
  - Russell Lory Foster Esq.
- NB 2018 CA 0796 - Star Surplus Lines Insurance Company, Appellee Represented by
  - Jennifer E. Michel

CONS/W

2018 CA 0241

Pontchartrain Natural Gas System,  
k/d/s Promix, L.L.C., and Acadian  
Gas Pipeline System

vs.

Texas Brine Company, LLC

2018 CA 0796

Crosstex Energy Services, LP,  
Crosstex LIG, LLC and Crosstex  
Processing Services, LLC

vs.

Texas Brine Company, LLC, et al

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2018CA1098

Florida Gas Transmission Company, LLC  
vs.  
Texas Brine Company, LLC

NB Gulf Underwriters Insurance Company and St. Paul Fire and Marine Ins. Co. (as alleged insurers of Browning Oil Company, Inc.), Appellee Represented by  
Celeste Darmstadter Elliott  
Anne Briard  
Shaundra M. Schudmak

NB St. Paul Fire and Marine Insurance Company, Appellee Represented by  
Ralph S. Hubbard III  
Seth Andrew Schmeackle  
Daniel B. Centner  
Carey Austin Holliday

NB Pacific Insurance Company, Limited, Appellee Represented by  
Gary M. Zwain  
Paul Jeffrey Verlander Esq.

NB Westchester Fire Insurance Co., Appellee Represented by  
Sarah R. Smith  
Kent M. Adams

NB Great American Assurance Company, Appellee Represented by  
Robert John Young III

NB American Guarantee, Zurich American Insurance Company, and Steadfast Insurance Company, Appellee Represented by  
Glen E. Mercer  
Philip R. King  
Kourtney French Twenhafel

NB National Union Fire Insurance Company of Pittsburgh, PA, Lexington Insurance Company, et al, Appellee Represented by  
Ingrid Kemp Laurendine  
Mary Susan Johnson

NB Chicago Insurance Company, Appellee Represented by  
Sidney W. Degan III  
James Albert Rowell  
Julia A. Dietz  
Wade B. Hammett  
Matthew F. Morgan

NB Arch Specialty Insurance Company, Appellee Represented by  
John L. Robert III  
Edwin Preis Jr. Esq.

NB Allied World Assurance Company, Appellee Represented by  
Jake P. Skaggs

NB Fairmont Specialty Insurance Company f/k/a Ranger Insurance Company, Appellee Represented by  
Jay Michael Lonero Esq.  
Angie L Akers  
Thomas H. Peyton

NB Hansa Marine Insurance Co. (UK) Limited; Phoenix Assurance, PLC; Sirius International Insurance Company, et al, Appellee Represented by  
Gustave A. Fritchie III  
McDonald G. Provosty

NB National Fire Insurance Company of Hartford, Appellee Represented by  
D. Ashbrooke Tullis

NB National Surety Corporation, Appellee Represented by  
Thear Jules Lemoine  
Elizabeth C. Austin

NB Liberty Insurance Underwriters, Inc., Appellee Represented by  
Judy Y. Barrasso  
Stephen L. Miles  
Kyle L. Wallace  
David N. Luder

NB Chubb Custom Insurance Company, Appellee Represented by  
John P. Wolff III  
Nancy Brehm Gilbert  
Brian T. Butler  
Mark T. Assad

NB Florida Gas Transmission Co., LLC, Appellee Represented by  
James K. Ordeneaux  
Lacey E. Sarver

T Texas Brine Company, LLC, Appellee Represented by  
James M. Garner  
Peter L. Hilbert Jr.  
Leopold Zangwill Sher Esq.  
Neal Joseph Kling

- Jeffrey D. Kessler  
James Kuhn  
Travis J. Turner  
Bradley C. Myers  
Troy J. Charpentier  
Katie Deranger Bell  
Eric Julian Mayer Esq.  
Robert Ryland Percy III  
Kevin M. McGlone  
Martha Y. Curtis
- T Occidental Chemical Company, Appellant Represented by  
Bethany W. Kristovich  
Brad D. Brian  
Daniel B. Levin  
Sara C. Valentine  
Richard J. Hymel  
Martin A. Stern Esq.  
Raymond Peter Ward  
Leigh Ann Schell
- NB Legacy Vulcan Corporation f/k/a Vulcan Materials Company, Appellee  
Represented by  
Roy Clifton Cheatwood  
Kent Andrew Lambert  
Adam Bennett Zuckerman  
Colleen C. Jarrott  
Matthew C. Juneau
- NB Browning Oil Company, Colorado Crude Company, LORCA Corporation,  
Appellee Represented by  
Christopher B. Bailey  
Matthew Joseph Randazzo III  
Shawn A. Carter  
Joshua S. Barnhill  
Will Montz
- NB Reliance Petroleum Corp., Appellee Represented by  
Ashley G. Gable  
Joshua S. Chevallier  
Joseph L. Shea Esq.  
Katherine Smith Baker
- NB Adams Resource Exploration Corporation, Appellee Represented by  
Jason M. Cerise
- NB TIG Insurance Company, Appellee Represented by  
Jay Michael Lonero Esq.  
Thomas H. Peyton
- NB Sol Kirschner, Appellee Represented by  
Franklin H. Spruiell Jr.  
Reid A. Jones  
Seth M. Moyers
- NB RLI Insurance Company, Appellee Represented by  
Alan D. Ezkovich
- NB Investors Insurance Company of America, Appellee Represented by  
Francine Maria Giugno  
Pamela Washington Carter
-



2018CA1122

Crosstex Energy Services, LP, Crosstex  
LIG, LLC and Crosstex Processing  
Services, LLC  
vs.  
Texas Brine Company, LLC, et al

NB Ross J. Donnes  
D. Adele Owen  
Caroline H Parenton  
Chubb Custom Insurance Company, Appellee Represented by  
Nancy Brehm Gilbert  
John P. Wolff III  
Brian T. Butler

T AIG Specialty, Lexington Ins. Co., National Union Fire Insurance  
Company of Pittsburgh, PA, Appellee Represented by  
Chadwick James Mollere  
Nichole M. Gray  
Mary Susan Johnson  
Ingrid Kemp Laurendine

NB Reliance Petroleum Corporation, Appellee Represented by  
Ashley G. Gable  
Joshua S. Chevallier  
Joseph L. Shea Esq.  
Katherine Smith Baker

NB Acceptance Insurance Company, Appellee Represented by  
Stephen N. Elliott

NB Fireman's Fund Insurance Company and Fireman's Fund Insurance  
Company of Ohio, Appellee Represented by  
Sidney W. Degan III  
James Albert Rowell

NB Pacific Insurance Company Limited, Appellee Represented by  
Gary M. Zwain

NB TIG Insurance Company, Appellee Represented by  
Jay Michael Lonero Esq.  
Angie L Akers  
Thomas H. Peyton

NB Transcontinental Insurance Company, and CNA Financial Corporation,  
Appellee Represented by  
William P. Wynne  
Glen Gill Goodier

NB Arch Specialty Insurance Company, Appellee Represented by  
John L. Robert III  
Edwin Preis Jr. Esq.

NB Legacy Vulcan Corporation f/k/a Vulcan Materials Company, Appellee  
Represented by  
Colleen C. Jarrott  
Matthew C. Juneau  
Roy Clifton Cheatwood  
Kent Andrew Lambert  
Adam Bennett Zuckerman

NB Averille Browning Dawson, individually and as Trustee of the Browning  
Children's Trust, Appellee Represented by  
Arthur Neal Bagwell Esq.

NB National Surety Corporation, Appellee Represented by  
Thear Jules Lemoine  
Elizabeth C. Austin

NB Occidental Chemical Company, Appellee Represented by  
Richard J. Hymel  
Martin A. Stern Esq.  
Leigh Ann Schell  
Raymond Peter Ward  
Sara C. Valentine

NB Sol Kirschner, Appellee Represented by  
Franklin H. Spruiell Jr.  
Reid A. Jones  
Seth M. Moyers

NB RLI Insurance Company, Appellee Represented by  
Alan D. Ezkovich

NB Liberty Insurance Underwriter's, Inc., Appellee Represented by  
Judy Y. Barrasso  
Stephen L. Miles  
Kyle L. Wallace  
David N. Luder

NB Great American Assurance Company, Appellee Represented by  
Gerald Huston  
George James Richaud  
Robert John Young III

- 
- T Texas Brine Company, Appellant Represented by  
Leopold Zangwill Sher Esq.  
Jeffrey D. Kessler  
Robert Ryland Percy III  
Travis J. Turner  
Eric Julian Mayer Esq.  
Justin E. VandenBout  
James M. Garner  
Martha Y. Curtis  
Peter L. Hilbert Jr.  
Neal Joseph Kling  
David M Peterson  
Ashley L McMillian
- NB Crosstex Energy Services/Enlink, Appellee Represented by  
Ben L. Mayeaux  
Frank X. Neuner Jr.  
Melissa L. Theriot  
Cliff A. Lacour  
Carolyn C. Cole  
Timothy J. Barbier
- T Zurich American Insurance Company, Steadfast Insurance Company and  
American Guarantee, Appellee Represented by  
Glen E. Mercer  
Kourtney French Twenhafel
- NB Browning Oil Company, Colorado Crude Company, and LORCA  
Corporation, Appellee Represented by  
Will Montz  
Shawn A. Carter  
Matthew Joseph Randazzo III  
Christopher B. Bailey  
Joshua S. Barnhill
- NB Westchester Fire Insurance Company, Appellee Represented by  
Kent M. Adams  
Sarah R. Smith
- NB St. Paul Fire and Marine Insurance Company, Appellee Represented by  
Seth Andrew Schmeeckle  
Daniel B. Centner  
Celeste D. Elliott  
Anne Briard  
Shaundra M. Schudmak  
Ralph S. Hubbard III  
Carey Austin Holliday
- NB Oxy, Appellee Represented by  
Christoffer Carter Friend  
Meghan E. Smith  
Heather Moore Valliant Esq.  
Lauren E. Godshall  
Susan R. Laporte
- NB Adams Resources Exploration, Appellee Represented by  
Brent A. Benoit  
Jason M. Cerise
- NB Labarre, Appellee Represented by  
Victor L. Marcello  
John H. Carmouche  
William R. Coenen III  
Brian T. Carmouche  
Donald T. Carmouche  
Leah Cotton Poole  
Todd J. Wimberley
-

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2018CA0922	T	Baker Baptist Church, Inc. d/b/a First Baptist Church of Baker, Baker Texaco, LLC and John A. Jarreau Properties, LLC, Appellant Represented by  Jessica Starns <b>Reinstated</b> Nicholas R. Rockforte <b>Reinstated</b> Richard J. Ward III
Baker Baptist Church, Inc. d/b/a First Baptist Church of Baker, Baker Texaco, LLC and John A. Jarreau Properties, LLC vs. City of Baker through Baker Alcohol Beverage Control Board	NB	City of Baker through Baker Alcohol Beverage Control Board, Appellee Represented by  Kenneth R. Fabre Esq. <b>Reinstated</b>
	T	RaceTrac Petroleum, Inc., Appellee Represented by Tom S. Easterly <b>Reinstated</b> Leah C. Cook <b>Reinstated</b>

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** 2018KA1295	L	Ronda Marie Giroir, Appellant Represented by Prentice Lang White Esq.
State Of Louisiana vs. Ronda Marie Giroir	T	State Of Louisiana, Appellee Represented by Sye J. Broussard Dixie Carole Brown Esq. Joseph L. Waitz Jr.

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** 2018CA1303	T	Joseph Branch, Appellee Represented by Yigal Bander
Joseph Branch vs. Louisiana Department of Public Safety and Corrections	L	Louisiana Department of Public Safety and Corrections, Appellant Represented by Jonathan R. Vining

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** 2018KA1312	T	Cindy Theresa White, Appellant Represented by Sherry Watters
State Of Louisiana vs. Cindy Theresa White	T	State of Louisiana, Appellee Represented by Warren LeDoux Montgomery Matthew Caplan

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** 2018KA1481	T	Victor Galan, Appellant Represented by Lieu T. Vo Clark
State Of Louisiana vs. Victor Galan	T	State of Louisiana, Appellee Represented by Warren LeDoux Montgomery Matthew Caplan