

NOTICE OF SIGNING

PAUL M LEVERT, ET AL

VS

UNION TEXAS INTERNATIONAL
CORPORATION, ET AL



18TH JUDICIAL DISTRICT

DOCKET NUMBER: C-1045335 B

WEST BATON ROUGE PARISH
STATE OF LOUISIANA

TO: JEFFREY J GELPI
FIRST BANK & TRUST TOWER
909 POYDRAS ST, SUITE 3600
NEW ORLEANS, LA 70112

THIS IS TO ADVISE YOU THAT THE HONORABLE TONYA S. LURRY, JUDGE OF OUR SAID COURT, SIGNED ON MARCH 20, 2025 AND FILED ON MARCH 14, 2025, AN ORDER IN THE ABOVE MATTER WITH A CERTIFIED COPY OF SAID ORDER BEING ATTACHED HERETO.

WITNESS UNDER MY HAND AND SEAL BY THE EIGHTEENTH JUDICIAL DISTRICT COURT ON MARCH 25, 2025 THAT THIS NOTICE WAS MAILED AND OR SERVED TO ALL COUNSEL OF RECORD.

Andrea Hebert

DEPUTY CLERK OF COURT
AMANDA G. THIES, CLERK OF COURT
18TH JDC/WEST BATON ROUGE PARISH
P.O. BOX 107
PORT ALLEN, LA 70767

Attorney: SCULLY, DYLAN T.

Attached is a certified copy of the following:
DEFENDANTS' MOTION FOR REFERRAL TO THE LOUISIANA DEPARTMENT OF ENERGY AND NATURAL RESOURCES FOR THE DEVELOPMENT OF THE MOST DEASILE PLAN AND ORDER

18TH JUDICIAL DISTRICT COURT FOR THE PARISH OF WEST BATON ROUGE
STATE OF LOUISIANA
DOCKET NO. 45335 DIVISION B

PAUL M. LEVERT, ET AL.

VERSUS

UNION TEXAS INTERNATIONAL CORPORATION, ET AL.

DEFENDANTS' MOTION FOR REFERRAL TO THE LOUISIANA DEPARTMENT OF ENERGY AND NATURAL RESOURCES FOR THE DEVELOPMENT OF THE MOST FEASIBLE PLAN PURSUANT TO LA R.S. 30:29 AND INCORPORATED MEMORANDUM IN SUPPORT

Defendants, Chevron U.S.A. Inc. ("Chevron") and Key Production Company, Inc. ("Key") (collectively, "Defendants"), have jointly entered a limited admission that "environmental damage" exists on specific portions of Plaintiffs' property for which they are "responsible parties" under Act 312 (found at La. R.S. § 30:29). Therefore, Defendants move this Court to refer this matter to the Louisiana Department of Energy and Natural Resources' Office of Conservation ("LDENR" or "Conservation") for the development of the Most Feasible Plan in accordance with statutory procedures provided in Act 312.

1.

Plaintiffs, Paul M. Levert, *et al.* ("Plaintiffs"), filed suit alleging that Defendants are responsible for environmental damage to Plaintiffs' property located in Section 28, Township 8 South, Range 11 East (S28, T8S, R11E), in the Bayou Choctaw Oil and Gas Field, in West Baton Rouge Parish, Louisiana (the "Property"). Plaintiffs allege that the environmental damage resulted from the historical oil and gas exploration and production operations on the Property by Defendants' predecessors, and Plaintiffs seek damages for remediation of the environmental damage allegedly caused by Defendants. It is undisputed that this suit is governed by Act 312.

2.

Contemporaneous with the filing of this motion, Defendants have filed their Joint Limited Admission Pursuant to La. R.S. § 30:29 (the "Limited Admission").¹ In the Limited Admission,

¹ See Defendants' Joint Limited Admission Pursuant to La. R.S. 30:29, filed March 14, 2025.

Defendants identify specific portions of the Property where there is “environmental damage” for which they contend they are “responsible parties” under Act 312.

3.

The Louisiana Legislature enacted Act 312 “to ensure that damage to the environment is remediated to a standard that protects the public interest” and “set forth the procedure for judicial resolution of claims for environmental damage to property arising from activities subject to the jurisdiction of the Department of Energy and Natural Resources, office of conservation.” La. R.S. § 30:29(A).

4.

In 2012, the legislature revised Act 312 and enacted Louisiana Code of Civil Procedure article 1563 to allow parties to make a “limited admission” and accept responsibility for “environmental damage,” which is broadly defined as “any actual or potential impact, damage, or injury to environmental media caused by contamination resulting from activities associated with oilfield sites.” La. R.S. § 30:29(I)(2). Once a limited admission is filed, the Court *must* refer the matter to LDENR to conduct a public hearing for development of the “most feasible plan” to further evaluate and/or remediate the environmental damage in accordance with applicable regulatory standards. La. Code Civ. Proc. art. 1563(A)(2). The limited admission, the plan approved by the LDENR, and all written comments provided by the agencies *shall be admissible as evidence* in any action. La. Code Civ. Proc. art. 1563(A)(3). Finally, Act 312 creates a *rebuttable presumption* that the feasible plan approved by LDENR shall be the most feasible plan to evaluate or remediate the environmental damage under the applicable regulatory standards. La. Code Civ. Proc. art. 1563(A)(2). For cases tried by a jury, the court shall instruct the jury regarding this presumption if requested by a party. *Id.*

5.

Pursuant to Act 312 and Louisiana Code of Civil Procedure article 1563, Defendants have admitted that “environmental damage” as defined by Act 312 exists: (1) in the Shallow Water Bearing Zone² on the Property within the area outlined in blue in Exhibit A; and (2) in the soil on the Property within the areas outlined in yellow in Exhibit A near Well Serial Numbers 44428,

² “Shallow Water Bearing Zone” refers to the groundwater present within the area outlined in blue in Exhibit A, occurring between approximately twelve feet (12 ft.) and twenty-six feet (26 ft.) beneath the ground surface.

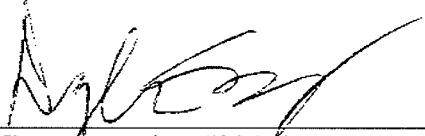
69635, 70947, 205030, 206248, 68122 and 76522. Further, Defendants jointly admit that they are “responsible parties” under Act 312 to evaluate and, if necessary, remediate to applicable regulatory standards any environmental damage in the soil and/or groundwater on Plaintiffs’ Property within the areas depicted in Exhibit A.

WHEREFORE, as required by Act 312, Defendants move this Court to refer this matter to the Louisiana Department of Energy and Natural Resources’ Office of Conservation for the development of the “Most Feasible Plan.”

RULE 9.8 STATEMENT

Pursuant to Louisiana District Court Rule 9.8, Defendants submit that the trial in this matter is currently set for October 14-24, 2025. and that no testimony will be offered in support of this Motion.

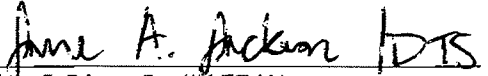
Respectfully submitted:



L. Victor Gregoire (#22400)
John C. Funderburk (#35597)
Dylan T. Scully (#40508)
KEAN MILLER LLP
400 Convention Street, Suite 700
Baton Rouge, LA 70802
Telephone: (225) 387-0999

Michael R. Phillips (#21020)
Louis M. Grossman (#28591)
Claire E. Juneau (#33209)
Jeffrey J. Gelpi (#37130)
Anne C. Lemelin (#38038)
KEAN MILLER LLP
First Bank and Trust Tower
909 Poydras Street, Suite 3600
New Orleans, LA 70112
Telephone: (504) 585-3050

Attorneys for Chevron U.S.A. Inc.



Loulán J. Pitre, Jr. (#17749)
Demarcus J. Gordon (#28848)
Jane A. Jackson (#33197)
KELLY HART PITRE
400 Poydras Street, Suite 1812
New Orleans, LA 70130

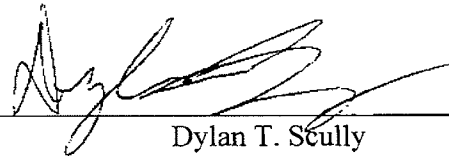
Telephone: (504) 522-1812

Fax: (504) 522-1813

*Attorneys for Key Production Company,
Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been served upon all known counsel of record by electronic mail, this 14th day of March, 2025.

A handwritten signature in black ink, appearing to read "Dylan T. Scully", is written over a horizontal line.

Dylan T. Scully

18TH JUDICIAL DISTRICT COURT FOR THE PARISH OF WEST BATON ROUGE

STATE OF LOUISIANA

DOCKET NO. 45335

DIVISION B

PAUL M. LEVERT, ET AL.

VERSUS

UNION TEXAS INTERNATIONAL CORPORATION, ET AL.

ORDER

Considering Defendants' Joint Limited Admission Pursuant to La. R.S. 30:29 and Defendants' Motion for Referral to the Louisiana Department of Energy and Natural Resources for the Development of the Most Feasible Plan Pursuant to La R.S. 30:29:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to Louisiana Code of Civil Procedure article 1563, Defendants enter a joint limited admission of responsibility for the environmental damage, as defined in La. R.S. § 30:29(I)(1), which exists: (1) in the Shallow Water Bearing Zone³ on the Property within the area outlined in blue in Exhibit A; and (2) in the soil on the Property within the areas outlined in yellow in Exhibit A near Well Serial Numbers 44428, 69635, 70947, 205030, 206248, 68122 and 76522. Exhibit A is attached hereto.
2. Defendants' limited admission is limited to the "responsibility for implementing the most feasible plan to evaluate, and if necessary, remediate all or a portion of the contamination that is subject to the litigation to applicable regulatory standards" in the areas depicted in Exhibit A.
3. Defendants' limited admission is not an admission of private liability for any of the Plaintiffs' private claims and is not to be construed as a waiver of any defenses or affirmative defenses.

³ "Shallow Water Bearing Zone" refers to the groundwater present within the area outlined in blue in Exhibit A, occurring between approximately twelve feet (12 ft.) and twenty-six feet (26 ft.) beneath the ground surface.

4901-1464-6311 V2

Andrea Hebert

West Baton Rouge Parish
Deputy Clerk Of Court

Generated Date:
3/25/2025 12:14 PM



Certified True and
Correct Copy
CertID: 2025032500039

4. Defendants shall develop a plan for the evaluation and/or remediation of “environmental damage” as provided in La. R.S. § 30:29(C) in accordance with applicable regulatory standards (“Defendants’ Plan”).
5. Defendants’ Plan, as described above, shall be developed and submitted to the Louisiana Department of Energy and Natural Resources, by certified mail with return receipt requested and with courtesy copy filed with the Court, within sixty (60) days of the signing of this Order.
6. Plaintiffs, or any other party, shall have thirty (30) days from the date Defendants’ plan is filed with the Court to review the plan and submit to the Louisiana Department of Energy and Natural Resources and the Court any comments, input, and/or their own plan in response to Defendants’ Plan.
7. The Louisiana Department of Energy and Natural Resources shall submit to the Court a schedule of estimated costs for the review of the plans or other submittals by the parties.
8. Any further proceedings with respect to the plan(s) submitted by Defendants, the Louisiana Department of Energy and Natural Resources, Plaintiffs, or any other party, shall be conducted pursuant to the procedures set forth in La. R.S. § 30:29.

THUS DONE AND SIGNED, this 20 day of March, 2025, in
Port Allen, Louisiana

Tonya S. Lurry

JUDGE, 18TH JUDICIAL DISTRICT COURT
JUDGE TONYA S. LURRY

Andrea Nebert

West Baton Rouge Parish
 Deputy Clerk Of Court

Generated Date:
 3/25/2025 12:14 PM



**Certified True and
 Correct Copy**
 CertID: 2025032500039