

Bond Case Briefs

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ENVIRONMENTAL - LOUISIANA

State v. Louisiana Land & Exploration Co.

Court of Appeal of Louisiana, Third Circuit - May 15, 2019 - So.3d - 2019 WL 2114863 - 2018-890 (La.App. 3 Cir. 5/15/19)

Parish school board, in its own right and on behalf of State, brought action to have oil company remediate oil-filed waste and contamination on land owned by State and managed by the school board.

After jury returned a multi-million dollar verdict awarding damages in addition to remediation, the Court of Appeal affirmed order that adopted the state Department of Natural Resources' remediation plan. State and school board thereafter sought attorney's fees and costs. The 15th Judicial District Court denied State and school board's motion to compel discovery. State and school board filed supervisory writs.

The Court of Appeal held that:

- State and school board were entitled to discovery to establish attorney's fees against oil company, and
- State and school board were not entitled to discovery to establish attorney's fees against second oil company that was dismissed with prejudice.

Information regarding amount of money expended to date by oil company, scope of work performed, and identity of all persons associated with implementing remediation plan was relevant to determination of reasonableness of attorney's fees award for State and school board, after jury returned verdict in their favor in their action for damages and remediation, and thus state and school board were entitled to discovery of this information; much of the value of the actual amount recovered was concurrently occurring through remediation and would continue to occur until remediation was complete.