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Bonin v. Sabine River Authority

United States Court of Appeals, Fifth Circuit - April 14, 2023 - F.4th - 2023 WL 2943004

Property owners brought action alleging that river authority took, damaged, or destroyed their property by causing or contributing to a flood when they opened spillway gates into the river.

The United States District Court for the Eastern District of Texas denied river authority's motion to dismiss complaint for lack of subject matter jurisdiction and later denied river authority's motion to dismiss amended complaint for lack of subject matter jurisdiction. River authority appealed.

The Court of Appeals held that:

- Characterization of river authority under Louisiana law weighed in favor of finding that it was entitled to Eleventh Amendment immunity, but only modestly;
- Source of river authority's funding weighed against finding that it was entitled to Eleventh Amendment immunity;
- River authority's autonomy weighed minimally against finding that it was entitled to Eleventh Amendment immunity;
- River authority was concerned primarily with local, as opposed to statewide, problems, which weighed against finding that it was entitled to Eleventh Amendment immunity;
- River authority's statutorily conferred right to sue in its own name weighed against finding that it was entitled to Eleventh Amendment immunity; and
- River authority's right to hold and use property weighed against finding that it was entitled to Eleventh Amendment immunity.

Characterization of river authority under Louisiana law weighed in favor of finding that authority was an "arm of the state" entitled to Eleventh Amendment immunity, but only modestly, in property owners' action alleging that authority took, damaged, or destroyed their property by causing or contributing to a flood when they opened spillway gates into the river; language in state statutes describing authority as "an agency and instrumentality of the state" was inconsistent, as it also described authority as a "corporation and body politic and corporate" invested with "all powers, privileges, rights, and immunities conferred by law upon other corporations of like character," and belated placement of authority in executive branch was partly undercut by authority's retention of significant operational autonomy.

Source of river authority's funding weighed against finding that authority was an "arm of the state" of Louisiana entitled to Eleventh Amendment immunity, in property owners' action alleging that authority took, damaged, or destroyed their property by causing or contributing to a flood when they opened spillway gates into the river; while the Louisiana legislature had discretion to appropriate state funds to the authority, authority generated its own revenues, could incur debts and borrow money, and was obligated to pay its debts out of its funds, without drawing on state resources.

River authority's autonomy weighed minimally against finding that authority was an "arm of the state" of Louisiana entitled to Eleventh Amendment immunity, in property owners' action alleging

that authority took, damaged, or destroyed their property by causing or contributing to a flood when they opened spillway gates into the river; while entire board of commissioners who governed authority were appointed by and served at the pleasure of the Louisiana governor, authority had significant independent management autonomy given to it by the state, including the power to acquire property, enter into contracts, incur debts and borrow money, and even establish and maintain a law enforcement division within the authority.

River authority was concerned primarily with local, as opposed to statewide, problems, which weighed against finding that authority was an "arm of the state" of Louisiana entitled to Eleventh Amendment immunity, in property owners' action alleging that authority took, damaged, or destroyed their property by causing or contributing to a flood when they opened spillway gates into the river; although authority generated some statewide benefits, its activities were localized, and it had a territorial jurisdiction.

River authority's statutorily conferred right to sue and be sued in its own name weighed against finding that authority was an "arm of the state" of Louisiana entitled to Eleventh Amendment immunity, in property owners' action alleging that authority took, damaged, or destroyed their property by causing or contributing to a flood when they opened spillway gates into the river.

River authority's right to hold and use property weighed against finding that authority was an "arm of the state" of Louisiana entitled to Eleventh Amendment immunity, in property owners' action alleging that authority took, damaged, or destroyed their property by causing or contributing to a flood when they opened spillway gates into the river; although Louisiana statute describing authority's powers stated that authority held property as an instrumentality of the state, the same statute also said that title to all property acquired by the authority was taken in its corporate name.

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