

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 31, 2024

Lyle W. Cayce
Clerk

No. 23-30294

PLAQUEMINES PARISH,

Plaintiff—Appellee,

LOUISIANA STATE; LOUISIANA DEPARTMENT OF NATURAL
RESOURCES, *Office of Coastal Management, Thomas F. Harris, Secretary,*

Intervenors—Appellees,

versus

BP AMERICA PRODUCTION COMPANY, *As Successor in Interest to*
AMOCO PRODUCTION COMPANY; BURLINGTON RESOURCES OIL
& GAS COMPANY, L.P.; CHEVRON USA, INCORPORATED, *As*
Successor in Interest to CHEVRON OIL COMPANY, THE CALIFORNIA
COMPANY and GULF OIL CORPORATION; EXXON MOBIL
CORPORATION, *As Successor in Interest to* THE SUPERIOR OIL
COMPANY; SHELL OFFSHORE, INCORPORATED; SHELL OIL
COMPANY; CHEVRON U.S.A. HOLDINGS, INCORPORATED, *As*
Successor in Interest to TEXACO E&P INCORPORATED. and TEXACO
INCORPORATED; TEXAS COMPANY; CHEVRON PIPE LINE
COMPANY, *As Successor in Interest to* GULF REFINING COMPANY,

Defendants—Appellants,

CONSOLIDATED WITH

No. 23-30422

No. 23-30294
c/w No. 23-30422

PARISH OF CAMERON,

Plaintiff—Appellee,

STATE OF LOUISIANA, *ex rel, on behalf of* JEFF LANDRY; STATE OF
LOUISIANA, *on behalf of Louisiana Department of Natural Resources, on*
behalf of Office of Coastal Management, on behalf of Thomas F. Harris,

Intervenor Plaintiffs—Appellees,

versus

BP AMERICA PRODUCTION COMPANY; CHEVRON U.S.A.
INCORPORATED, OWN CAPACITY & *as successor in interest, on behalf of*
CALIFORNIA COMPANY; SHELL OIL COMPANY; SWEPI, L.P.,

Defendants—Appellants.

Appeals from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:18-CV-5256

ON PETITIONS FOR REHEARING
AND REHEARING EN BANC

Before DAVIS, ENGELHARDT, and OLDHAM, *Circuit Judges.**

PER CURIAM:

* Judges Jerry E. Smith, Catharina Haynes, James C. Ho, and Dana M. Douglas,
did not participate in the consideration of the rehearing en banc.

No. 23-30294
c/w No. 23-30422

The petition for panel rehearing is DENIED. The petition for rehearing en banc is DENIED because, at the request of one of its members, the court was polled, and a majority did not vote in favor of rehearing (FED. R. APP. P. 35 and 5TH CIR. R. 35).

In the en banc poll, six judges voted in favor of rehearing (Judges Jones, Richman, Willett, Duncan, Oldham, and Wilson), and seven judges voted against rehearing (Chief Judge Elrod and Judges Stewart, Southwick, Graves, Higginson, Engelhardt, and Ramirez).

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

October 31, 2024

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-30294	Plaquemines Parish v. BP America Prod USDC No. 2:18-CV-5256
23-30422	Parish of Cameron v. BP America Prod USDC No. 2:18-CV-688

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Monica R. Washington, Deputy Clerk
504-310-7705

Mr. George Arceneaux III
Ms. Kelly Brechtel Becker
Mr. James Blake Canfield
Mr. Donald T. Carmouche
Ms. Jennifer Jo Clark
Mr. Paul D. Clement
Mr. Joseph DeMott
Mrs. Tristan Layle Duncan
Mr. David Charles Frederick
Mr. Andre' Collins Gaudin
Mr. Russell Keith Jarrett
Mr. William M. Jay
Mr. Peter D. Keisler
Mr. Andrew Kim
Mrs. Deborah DeRoche Kuchler
Ms. Jennifer Kwapisz
Mr. Victor L. Marcello
Mr. Eric Julian Mayer
Mr. Daniel J. McCoy
Mr. Robert Beattie McNeal
Ms. Carol L. Michel
Mr. Jason T. Morgan
Mr. David Alexander Peterson
Mr. William Christopher Pooser
Mr. Donald Wayne Price
Mr. C. Harker Rhodes IV
Mr. Daniel Brandon Rogers
Mr. Ryan Michael Seidemann

Mr. Daniel Severson
Mr. Cary Silverman
Mr. Michael A. Tilghman II
Mr. Andrew R. Varcoe
Ms. Alexandra Giselle White