

# *The Firm Line*

Welcome to *The Firm Line*, a newsletter designed to inform our clients and friends about developments at the firm, legal issues that may impact your lives and businesses, and other items of interest. Our intention is to keep the information we provide to you in this newsletter concise. We welcome any further discussion on the topics discussed herein and hope that *The Firm Line* will provide you with interesting and noteworthy information about the law and our firm.

## ***Developments and Status of Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Company, LLC, et al.***

Since filing the lawsuit on behalf of the Southeast Louisiana Flood Protection Authority-East against 97 oil and gas production and pipeline companies, both the Authority and Jones Swanson have come under political fire. Nevertheless, Jones Swanson stands by the Authority's decision to institute and pursue the case, and, together with its co-counsel, remains committed to advocating for the Authority's interests and the interests of the people and property the Authority is in place to protect.

Against the political backdrop, there have been procedural developments in the case itself that are worthy of note. The case was originally filed on July 24, 2013 in the Civil District Court for the Parish of Orleans and assigned to Judge Paula Brown. However, on August 13, 2013, the case was removed to the United States District Court for the Eastern District of Louisiana by defendant Chevron U.S.A. Inc., and numerous other defendants have since filed consents to the removal of the case to federal court. In connection with removal to the Eastern District, the case was assigned to Judge Kurt D. Engelhardt and to Magistrate Karen Wells Roby. On August 15, 2013, Magistrate Roby recused herself from the case, and the case was reassigned to Magistrate Judge Daniel E. Knowles, III. The case will proceed in the Eastern District court unless and until the case is remanded back to the Orleans Parish court, and on September 10, 2013 the Authority filed a motion requesting such remand. The question of whether the case should remain in the Eastern District or be remanded back to Orleans Parish is one that turns on whether the Eastern District court has jurisdiction, including, for example, whether the Authority has asserted a cause of action under federal law. The specific grounds asserted by the Authority in its motion to remand include:

- The Authority's claims are not created by federal law;

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## **Suggestions**

Please provide us with ideas and suggestions for topics that you would like to read about in the future, as well as any thoughts you may have that will help us deliver better, more insightful information to you.

## **Contact Us**

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- The Authority's claims do not raise a substantial question of federal law;
- Maritime law does not apply to the Authority's claims;
- The Class Action Fairness Act does not apply to the Authority's claims;
- The Outer Continental Shelf Lands Act does not apply to the Authority's claims; and
- Federal enclave jurisdiction does not apply to the Authority's claims.

Also pending before the Eastern District court is a motion requesting that defendants be afforded until October 28, 2013 to file their response to the Authority's motion to remand and that the Authority have until November 6, 2013 to respond to defendants' opposition. That motion also notes November 13, 2013 as a hearing date for the remand issue and outlines the series of delays for defendants' respective responses to the Authority's petition, including any motions to dismiss, and the Authority's response to same in the event the case remains in the Eastern District court. On the whole, and while both the Authority and Jones Swanson continue to weather political fire, the case itself is proceeding as anticipated along the path toward trial and disposition on the merits.

## **Kerry Murphy - Chair of Louisiana Bar Foundation's Greater New Orleans Community Partnership Panel**

[Kerry Murphy](#) was recently named as chair of the Louisiana Bar Foundation's Greater New Orleans Community Partnership Panel. The panel provides grants to 501(c)(3) organizations in need of assistance to initiate or expand a program which provides direct legal services to the poor, provides law-related education, or provides for the administration of justice. Kerry has served on the panel for the past three years and on the Bar Foundation's grants committee for the past five years.



## **Katie Lasky Recognized as a *New Orleans CityBusiness* Woman of the Year**

We are pleased to announce that [Katie Lasky](#) will be recognized as one of *New Orleans CityBusiness*' 2013 Women of the Year. The publication recognizes 50 women each year who have demonstrated success both through business achievements as well as through contributions to the local community.



A cocktail reception followed by a dinner will be held on November 14th at the Hyatt Regency, where all of the honorees of 2013 will be announced. In addition, a special insert will run in the November 22nd edition of *New Orleans CityBusiness*, which will include a profile of each of the 2013 Women of the Year honorees. Congratulations Katie!

## **ABOUT THE FIRM**

Jones, Swanson, Huddell & Garrison, L.L.C., is a boutique litigation law firm based in New Orleans, Louisiana, which handles complex commercial and environmental/property disputes. In the commercial and environmental litigation arenas, the firm has and continues to represent many of Louisiana's and the Southeast's largest and most active business entrepreneurs and landholders, while also retaining a focus on the representation of small businesses and individuals. Jones Swanson is not limited geographically, having served as lead counsel in litigation elsewhere, including in California, Connecticut, Massachusetts, New York, and Texas as well as Mississippi, Alabama, Florida and Louisiana.

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