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Wednesday, May 17, 2023

MINUTES OF THE COURT
38TH JUDICIAL DISTRICT COURT
CAMERON PARISH, LOUISIANA

COURT MET WITH THE HONORABLE PENELOPE RICHARD PRESIDING WITH ROXANE BOUDOIN, COURT REPORTER, KENT HARRIS, DEPUTY SHERIFF, ALEXIS MARTIN, DY CLERK OF COURT IN ATTENDANCE.

1019582 PARISH OF CAMERON ET AL
VS
AUSTER OIL AND GAS INC ET AL

MATTER CAME UP FOR JUDGMENT FOR DEFENDANT'S MOTION TO TRANSFER VENUE.

PRESENT: PLAINTIFFS NOT PRESENT DEFENDANTS NOT PRESENT

THE COURT ISSUED ORAL REASONS TODAY DENYING THE DEFENDANTS' MOTION TO CHANGE OF VENUE, WHICH WAS PREVIOUSLY HEARD ON APRIL 19, 2023.

THE COURT DIRECTS THE CLERK OF COURT TO PROVIDE CERTIFIED COPIES OF THE MINUTES TO ALL PARTIES. COUNSEL FOR PLAINTIFF IS DIRECTED TO PREPARE AND CIRCULATE A JUDGMENT CONSISTENT WITH

THE COURT'S REASONS TO ALL PARTIES AND
THEN TO SUBMIT SAME TO THE COURT
FOR EXECUTION AND FILING. ALL COST ARE
ASSESSED TO THE DEFENDANTS BRINGING
THIS MOTION.

A TRUE COPY OF THE MINUTE ENTRY

/s/ ALEXIS MARTINI

DY CLERK OF COURT, CAMERON PARISH, LA.

IN THE THIRTY-EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF CAMERON
STATE OF LOUISIANA

THE PARISH OF CAMERON
VERSUS : DOCKET NO. 10-19582
AUSTER OIL & GAS, INC.,
ET AL

RULING

Evidence adduced and proceedings had in the above-numbered and entitled cause at Cameron, Louisiana, on the 17th day of May, 2023, at 11:18 a.m., before the HONORABLE PENELOPE RICHARD, Judge of the Thirty-Eighth Judicial District Court in and for the Parish of Cameron, State of Louisiana.

APPEARANCES

None.

PROCEEDINGS:

THE COURT:

This is the matter of The Parish of Cameron versus Auster Oil & Gas, Inc., et al., Docket Number 10-19582.

On April 19, 2023, the Court heard a motion to change venue in the above referenced case filed by the defendants, Shell Oil, BP Production, Hilcorp Energy, Chevron USA, Chevron Pipeline, Honeywell International, and Kerr-McGee Oil and Gas.

The defendants assert that they will be unable to receive a fair trial in Cameron Parish because the potential jurors may perceive that they have a pecuniary interest, either direct or indirect, in the outcome of the case and thus would be, quote, incapable of the impartiality required of a juror, end quote. They rely on several cases involving criminal juries with pre-trial publicity, recusal cases of judges, and cases involving the due process clause. The Court is not persuaded by any of the cases cited by the defendants as none of the cases are on point with the facts of this case.

After reviewing the memoranda, evidence, jurisprudence, and the law, the Court finds that the defendants have failed to meet their burden of proof to warrant a change in venue in this case. Under Code of Civil Procedure Article 122 and the due process clause of the United States and the Louisiana Constitutions, the defendants have not shown that they, quote, cannot obtain a fair and impartial trial because of the undue influence of an adverse party, prejudice existing in the public mind, or some other sufficient cause, closed quotes. Only through the complete process of *voir dire* will one be able to establish whether a fair and impartial jury can be impaneled in Cameron Parish to hear this particular case. The Court is not unaware of the difficulty and the time consuming process that this will take due to the uniqueness of this parish and the allegations made in this case. However, the Court will take every precaution to ensure that the *voir dire* process will be fair to all parties.

The Court directs the Clerk of Court to provide certified copies of the minutes to all parties. Counsel for plaintiff is directed to prepare and circulate a judgment consistent with the Court's reasons to all

parties and then to submit same to the Court for execution and filing. All costs are assessed to the defendants bringing this motion.

Court is adjourned.

[PROCEEDINGS IN THIS MATTER CONCLUDED]

[TRANSCRIPT CERTIFICATE OMITTED]

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT

NO: CW 23-00381

**Judgment rendered and mailed to
all parties or counsel of record on
August 25, 2023.**

THE PARISH OF CAMERON
VERSUS
AUSTER OIL AND GAS, INC., ET AL.

FILED: 06/20/23

On application of Shell Oil Company; Honeywell International, Inc.; Hilcorp Energy Company; BP America Production Company; Chevron U.S.A. Inc.; Chevron Pipe Line Company; Kerr-McGee Oil, and Gas Onshore LP for Supervisory Writ in No. 10-19582 on the docket of the Thirty-Eighth Judicial District Court, Parish of Cameron, Honorable Penelope Quinn Richard.

[List of Counsel Omitted]

Lake Charles, Louisiana, on August 25, 2023.

WRIT DENIED. We find no abuse of discretion in the trial court's ruling.

/s/ EAP /s/ VHK /s/ CGP
EAP VHK CGP

The Supreme Court of the State of Louisiana

THE PARISH OF CAMERON

VS.

No. 2023-CC-01215

AUSTER OIL AND GAS, INC., ET AL.

IN RE: Shell Oil Company - Applicant Defendant; Chevron U.S.A. Inc. - Applicant Defendant; Chevron Pipe Line Company - Applicant Defendant; Hilcorp Energy Company - Applicant Defendant; BP America Production Company – Applicant Defendant; Honeywell International, Inc. - Applicant Defendant; Kerr-McGee Oil and Gas Onshore LP - Applicant Defendant; Applying For Supervisory Writ, Parish of Cameron, 38th Judicial District Court Number(s) 10-19582, Court of Appeal, Third Circuit, Number(s) CW 23-00381;

October 10, 2023

Writ application denied.

JTG
JLW
JDH
SJC
WJC
JBM
PDG

TRANSCRIPT OF
LOUISIANA SENATE NATURAL RESOURCES
COMMITTEE HEARING

Thursday, May 7, 2020

REPORTED BY: DIXIE B. VAUGHAN, CCR

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[55]

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[MR. CARMOUCHE:]

I read that the parishes were doing nothing but not moving the case, nothing's really happening. Well, let's look at the truth. The only reason we haven't gotten a trial is because the oil companies are afraid to go to trial. We've been removed twice to federal court. We have 32 hearings in state court a month. State's there every time. Thirteen hearings in federal court, won them all. Six trial dates. Six trial dates. Ready for the people of Louisiana, the locals who are suffering, judgment day, for what? 30,000 Superdomes of waste and destruction to these towns. Every time we have a trial date, they delay. They remove us. Why? Because there's no defense. You don't hear – you hadn't heard one word tonight that we did nothing wrong. You have not [56] heard one word that we didn't violate the law. We're not pursuing the claims? No. They're afraid to face judgment day. So what do they do? They run to you. They run to you, the legislature, for a bailout. I asked the question and I think one of you asked the questions. Why hasn't the state or local concerns ever enforced? This

is why. This is why. When they do try to enforce and they get six trial dates and they can't win one thing in court, they come to this bill. Why? I don't know. Maybe the public knows. But why? Why do they come here to get bailouts? Why did you tell these parishes in 2014 when the courts were pending to proceed, go forward, parishes, and let them go eight years and win every motion and now you're going to take their rights away and get these lawsuits dismissed?

* * *

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For an example, I took \$1 billion. BP's settlement was 20 billion, eight Superdomes compared to 30,000 Superdomes of waste discharged. 1 billion. 12,000 new jobs, 570 million in wages paid, 160 million in tax revenue, \$1.7 billion in additional spending. That's what the parishes have been fighting for, for the last eight years. On the verge of a resolution. We are in federal court. There's a decision about to be made. If we go back to state court or federal court. Doesn't really matter. We get to get trial dates and try the case. We're about to come to a monumental time where these cases are coming to an end and bringing hundreds and billions of dollars to the state and thousands and thousands of jobs and local contractors get preference. That, tonight, is about to be all thrown out the window and we're going to let the State pay for it.

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