

APPENDICES

APPENDIX A
IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-20372

DAVID NETZER CONSULTING ENGINEER, L.L.C.,
Plaintiff-Appellant

v.

SHELL OIL COMPANY; SHELL CHEMICAL, L.P.;
SHELL OIL PRODUCTS COMPANY, L.L.C.,
Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas, Houston

(Filed Jul. 28, 2017)

Before PRADO, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:

IT IS ORDERED that appellees' opposed motion
to dismiss the appeal for lack of jurisdiction is
GRANTED.

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-20372

DAVID NETZER CONSULTING ENGINEER, L.L.C.,
Plaintiff-Appellant

v.

SHELL OIL COMPANY; SHELL CHEMICAL, L.P.;
SHELL OIL PRODUCTS COMPANY, L.L.C.,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas, Houston

(Filed Sep. 27, 2017)

Before PRADO, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:

IT IS ORDERED that appellant's opposed motion
to transfer appeal to the Federal Circuit is DENIED as
moot.

APPENDIX C

UNITED STATES DISTRICT COURT	SOUTHERN DISTRICT
	OF TEXAS

David Netzer Consulting	§	
Engineer, LLC,	§	
Plaintiff,	§	
<i>versus</i>	§	Civil Action H-14-166
Shell Oil Company, <i>et al.</i> ,	§	
Defendants.	§	

Order on Reconsideration

(Filed May 16, 2017)

1. On March 31, 2016, the court entered the amended final judgment. On April 27, 2017, David Netzer Consulting Engineer, LLC, moved for reconsideration. Netzer is too late; the motion was not filed within one year of final judgment.¹
2. The report prepared by Netzer's technician after final judgment is not newly discovered evidence. It is an opinion about existing data.²
3. Netzer's motion for reconsideration is denied. (64)

¹ FED. R. CIV. P. 60(c).

² FED. R. CIV. P. 60(b).

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Signed on May 16, 2017, at Houston, Texas.

/s/ Lynn N. Hughes
Lynn N. Hughes
United States District Judge

APPENDIX D

UNITED STATES DISTRICT COURT	SOUTHERN DISTRICT OF TEXAS
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David Netzer Consulting	§	
Engineer, LLC,	§	
Plaintiff,	§	
<i>versus</i>	§	Civil Action H-14-166
Shell Oil Company, <i>et al.</i> ,	§	
Defendants.	§	

Amended Final Judgment

(Filed Mar. 31, 2016)

1. David Netzer Consulting Engineer, LLC, takes nothing from Shell Oil Company, Shell Chemical LP, and Shell Oil Products Company LLC.
2. The claims of Shell Oil Company, Shell Chemical LP, and Shell Oil Products Company LLC are dismissed without prejudice.

Signed on March 31, 2016, at Houston, Texas.

/s/ Lynn N. Hughes
Lynn N. Hughes
United States District Judge

APPENDIX E
IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-20372

DAVID NETZER CONSULTING ENGINEER, L.L.C.,
Plaintiff-Appellant

v.

SHELL OIL COMPANY; SHELL CHEMICAL, L.P.;
SHELL OIL PRODUCTS COMPANY, L.L.C.,
Defendants-Appellees

Appeal from the United States District Court for
the Southern District of Texas, Houston

ON PETITION FOR REHEARING EN BANC

(Filed Aug. 31, 2017)

Before PRADO, ELROD, and GRAVES, Circuit Judges.

PER RUM:

- (✓) Treating the Petition for Rehearing En Banc as a Motion for Reconsideration, the Motion for Reconsideration is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on

Rehearing En Banc (FED R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

- () Treating the Petition for Rehearing En Banc as a Motion for Reconsideration, the Motion for Reconsideration is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

/s/ James E. Graves, Jr.

UNITED STATES CIRCUIT JUDGE
