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ADMITTED IN LOUISIANA

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Via CM/ECF Filing System

Lyle W. Cayce, Clerk of Court
U.S. Court of Appeals for the Fifth Circuit
600 S. Maestri Place
New Orleans, LA 70130-3408

RE: ***Board of Commissioners of the Southeast Louisiana Flood Protection Authority
– East, et al. v. Tennessee Gas Pipeline Company, LLC, et al., No. 15-30162***

Dear Hon. Cayce:

Pursuant to F.R.A.P. 28(j), Appellants provide notice of four decisions since the conclusion of briefing wherein courts held removal jurisdiction inappropriate for non-diverse maritime claims. Each rejects the argument that 2011 amendments to 28 U.S.C. § 1441 altered the saving-to-suitors clause and allowed removal of such claims.

In *Brown v. Porter*, 2016 WL 561928, *3-8 (N.D. Ill. 2/12/2016), the court reviewed the development of this issue. *Id.* * 6 (“It bears mention that the district judge who authored *Ryan v. Hercules Offshore, Inc.*, 945 F. Supp. 2d 772 (S.D. Tex. 2013), the seminal decision holding that the amendment to § 1441(b) rendered obsolete cases like *Romero* and *Chimenti*, later changed his mind in light of *Gregoire*.”).

In *Jefferson Parish v. Destin Operating Co.*, No. 13-6728 (E.D. La. 11/20/2015); *Plaquemines Parish v. Helis Oil & Gas Co.*, No. 13-6715 (E.D. La. 11/20/2015); *Plaquemines Parish v. LLOG Exploration & Production Co.*, No. 13-6719 (E.D. La. 11/20/2015) (attached unreported decisions), the court followed *Plaquemines Parish v. Total Petrochemical & Refining USA, Inc.*, 64 F. Supp. 3d 872, 899-900 (E.D. La. 2014), which held, “This Court does not agree that the 2011 amendments to § 1441 eliminated the long-held requirement of diversity jurisdiction in ‘saving to suitors’ cases filed in state court. The Court is certain that if Congress had intended to open the federal courts to an entirely new class of cases that had historically been excluded ‘we can hardly suppose that it would have failed to use some appropriate language to express that

intention.”). These three decisions join a suite of 32 decisions asserting coastal land loss claims similar to those raised here, all of which were remanded. *See* Appellants’ Reply Brief, n. 12.

Sincerely,

/s/ Harvey S. Bartlett III

H.S. Bartlett III

Counsel for Plaintiffs-Appellants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

THE PARISH OF JEFFERSON

CIVIL ACTION

VERSUS

NO. 13-6728

DESTIN OPERATING COMPANY, INC., ET AL.

SECTION "N" (2)

ORDER

Having carefully considered the parties' submissions, the record in this and related matters, and applicable law, the Court finds that the removing defendants have failed to demonstrate, in response to a prior order (Rec. Doc. 51), that the removal and remand issues presented in this matter materially differ from those addressed in *Plaquemines Parish v. Total Petrochemicals & Refining USA, Inc.*, Civil Action No. 13-6693 (Rec. Doc. 87), *Plaquemines Parish v. Rozel Operating Co.*, Civil Action No. 13-6722 (Rec. Doc. 65), and subsequent related rulings rendered by other sections of this Court. Accordingly, **IT IS ORDERED** that this matter be and hereby is **REMANDED** to the Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana.

New Orleans, Louisiana, this 19th day of November 2015.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

THE PARISH OF PLAQUEMINES

CIVIL ACTION

VERSUS

NO. 13-6715

HELIS OIL & GAS COMPANY, LLC

SECTION "N" (2)

ORDER

Having carefully considered the parties' submissions, the record in this and related matters, and applicable law, the Court finds that the removing defendants have failed to demonstrate, in response to a prior order rendered in this proceeding (Rec. Doc. 29), that the removal and remand issues presented in this matter materially differ from those addressed in *Plaquemines Parish v. Total Petrochemicals & Refining USA, Inc.*, Civil Action No. 13-6693 (Rec. Doc. 87), *Plaquemines Parish v. Rozel Operating Co.*, Civil Action No. 13-6722 (Rec. Doc. 65), and subsequent related rulings rendered by other sections of this Court. Accordingly, **IT IS ORDERED** that this matter be and hereby is **REMANDED** to the Twenty-Fifth Judicial District Court for the Parish of Plaquemines, State of Louisiana.

New Orleans, Louisiana, this 19th day of November 2015.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

THE PARISH OF PLAQUEMINES

CIVIL ACTION

VERSUS

NO. 13-6719

LLOG EXPLORATION AND
PRODUCTION COMPANY

SECTION "N" (2)

ORDER

Having carefully considered the parties' submissions, the record in this and related matters, and applicable law, the Court finds that the removing defendants have failed to demonstrate, in response to a prior order rendered in this proceeding (Rec. Doc. 33), that the removal and remand issues presented in this matter materially differ from those addressed in *Plaquemines Parish v. Total Petrochemicals & Refining USA, Inc.*, Civil Action No. 13-6693 (Rec. Doc. 87), *Plaquemines Parish v. Rozel Operating Co.*, Civil Action No. 13-6722 (Rec. Doc. 65), and subsequent related rulings rendered by other sections of this Court. Accordingly, **IT IS ORDERED** that this matter be and hereby is **REMANDED** to the Twenty-Fifth Judicial District Court for the Parish of Plaquemines, State of Louisiana.

New Orleans, Louisiana, this 19th day of November 2015.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE