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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 seven decisions since the conclusion of briefing wherein courts applied the *Grable* analysis and found state-law claims referencing federal law did not “necessarily” raise federal issues:

- *MHA LLC v. Healthfirst, Inc.*, 2015 WL 7253669 (3d Cir. 11/17/2015) (“that federal [Medicare] law may be informative of a market rate or ‘shape or even limit the remedy that Plaintiff may obtain’ does not mean that federal law is a necessary component”).
- *U.S. Bank v. Mizukami*, 2016 WL 632195 (D. Hawai’I 2/17/2016) (federal statutes regarding securitization of mortgages didn’t transform foreclosure claim into one “arising under” federal law).
- *Louisiana v. Smithkline Beecham Corp.*, 2016 WL 452318 (M.D. La. 2/5/2016) (“while Defendant’s alleged conduct ‘may be assessed against the backdrop of federal regulation,’ the linchpin of Plaintiff’s action is whether Defendant’s conduct independently violated Louisiana law.”).
- *Gehring v. Toys R Us, Inc.*, 2016 WL 455429 (D.N.J. 2/5/2016) (claim invoking FLSA not necessarily arise under federal law).
- *Fairview Tasman LLC v. Young*, 2016 WL 199060 (1/18/2016) (state-law ejectment claim not necessarily require determination under Protecting Tenants at Foreclosure Act).
- *Deutsche Bank Nat’l Trust Co. v. Hagan*, 2015 WL 7720465 (D. Hawai’i

11/27/2015) (federal statutes regarding securitization of mortgages didn't transform foreclosure claim into one "arising under" federal law).

- *Leica Microsystems Inc. v. Hernandez*, 2015 WL 7424770 (N.D. Tex. 11/23/2015) (defendants' argument that requested relief not available because it implicates Sherman Act shows only a federal-law defense, not a "necessary" federal issue).

Sincerely,

/s/ Harvey S. Bartlett III

H.S. Bartlett III

Counsel for Plaintiffs-Appellants