

Act 312 as “any actual *or potential impact*, damage, or injury to environmental media caused by contamination resulting from activities associated with oilfield sites or exploration and production sites.” La. R.S. §30:29(I)(2) (emphasis added).

Once a limited admission is filed, the Court *must* refer the matter to LDNR to conduct a public hearing for development of the “most feasible plan” to remediate the damage on the property in accordance with regulatory standards. La. Code Civ. P. art. 1563(A)(2). The limited admission, the plan approved by the department, and all written comments provided by the agencies *shall be admissible as evidence* in any action. La. Code Civ. P. art. 1563(A)(3). Finally, Act 312 creates a *rebuttable presumption* that the feasible plan approved by LDNR shall be the “most feasible plan” to evaluate or remediate the environmental damage under the applicable regulatory standards. La. R.S. §30:29(C)(2)(c). For cases tried by a jury, the court shall instruct the jury regarding this presumption if requested by a party. *Id.*

SNG’S LIMITED ADMISSION UNDER ACT 312 AND REQUEST FOR REFERRAL TO THE LDNR

As indicated above, SNG has admitted that “environmental damage” as defined by Act 312 exists on portions of the Plaintiffs’ property, which are identified as AOI1, associated with Well Serial #64701, and AOI3, associated with Well Serial #114167, within Exhibit A¹ to its Limited Admission Under Louisiana Revised Statute §30:29. Further, SNG has admitted that it is a “responsible party” under Act 312.

Thus, as mandated by Act 312 and Louisiana Code of Civil Procedure article 1563, SNG respectfully requests the Court to refer SNG, Plaintiffs, and this matter to LDNR for development of the “most feasible plan.” SNG further requests that this Court:

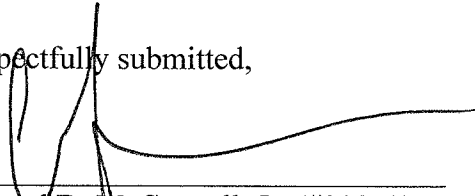
- (1) Set the deadline for SNG’s plan to be developed and submitted to the LDNR by certified mail (with return receipt requested) and filed with this Court on Monday, September 14, 2020;
- (2) Order that Plaintiffs or any other party shall have thirty (30) days from the date SNG’s plan is filed with the Court to review the plan and submit or provide

¹ SNG notes that the yellow boxes associated with AOI1 and AOI3 do not delineate the geographic scope of any environmental impact within those AOIs. Rather, the yellow boxes are merely to depict Plaintiffs’ investigation at those particular wells.

comments, input, and/or its own plan in response to SNG's plan to the LDNR and this Court;

- (3) Order the LDNR to submit to the Court a schedule of estimate costs for review of the plans or submittals of the parties; and
- (4) Order that any further proceedings with respect to the plan submitted by SNG, the LDNR, Plaintiffs, or any other party, be conducted pursuant to the procedures set forth in La. R.S. §30:29.

Respectfully submitted,


Richard D. McConnell, Jr. (#29973)
KEAN MILLER LLP
400 Convention Street, Suite 700
P. O. Box 3513 (70821-3513)
Baton Rouge, Louisiana 70802
Telephone: (225) 387-0999
Facsimile: (225) 388-9133
richard.mcconnell@keanmiller.com

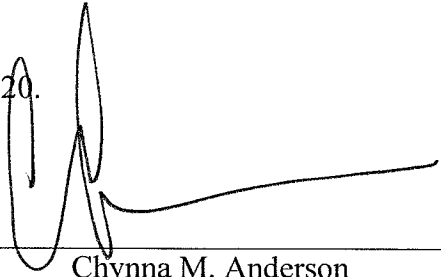
Tyler Moore Kostal (#33289)
Chynna M. Anderson (#37013)
KEAN MILLER LLP
909 Poydras St., Suite 3600
New Orleans, Louisiana 70112
Telephone: (504) 585-3050
Facsimile: (504) 585-3051
tyler.kostal@keanmiller.com
chynna.anderson@keanmiller.com

*Attorneys for Southern Natural Gas Company,
L.L.C.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all known counsel of record by electronic mail and/or by placing a copy of the same in the United States mail, postage prepaid and properly addressed.

New Orleans, Louisiana, this 31st day of July, 2020.

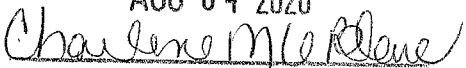

Chynna M. Anderson

A FACSIMILE OF THIS PLEADING
WAS RECEIVED AND FILED ON

JUL 31 2020

RECEIVED AND FILED

AUG 04 2020


Dy. Clerk of Court

SIXTEENTH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARY

STATE OF LOUISIANA

DOCKET NO. 130-527

DIVISION "B"

LOUISIANA WETLANDS, LLC, ET AL.

v.

ENERGEN RESOURCES CORPORATION, ET AL.

FILED: AUG 04 2020

 CHARLENE M. LeBLANC
DEPUTY CLERK

ORDER

Considering Southern Natural Gas Company, L.L.C.'s ("SNG") Limited Admission Under Louisiana Revised Statute §30:29 and SNG's Motion for Referral to the Louisiana Department of Natural Resources for the Development of the Most Feasible Plan Under Louisiana Revised Statute §30:29,

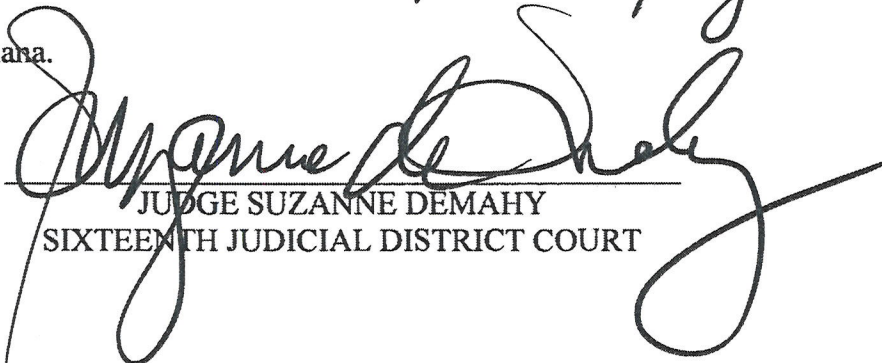
IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- (1) Pursuant to Louisiana Code of Civil Procedure article 1563, SNG enters a limited admission of responsibility for the "environmental damage," as defined in La. R.S. §30:29(I)(1), which exists on property identified on Exhibit A¹ – AOI1, associated with Well Serial #64701, and AOI3, associated with Well Serial #114167 – attached hereto;
- (2) SNG's limited admission is limited to the "responsibility for implementing the most feasible plan to evaluate, and if necessary, remediate all or a portion of the contamination that is subject to the litigation to applicable regulatory standards" on the property identified on Exhibit A – AOI1, associated with Well Serial #64701, and AOI3, associated with Well Serial #114167;
- (3) SNG's limited admission is not an admission of private liability for any of Plaintiffs' private claims and is not to be construed as a waiver of any affirmative defenses;

¹ SNG notes that the yellow boxes associated with AOI1 and AOI3 do not delineate the geographic scope of any environmental impact within those AOIs. Rather, the yellow boxes are merely to depict Plaintiffs' investigation at those particular wells.

- (4) SNG shall develop a plan for the evaluation or remediation of "environmental damage," as provided in La. R.S. §30:29(C), as to the property identified on Exhibit A – AOI1, associated with Well Serial #64701, and AOI3, associated with Well Serial #114167;
- (5) SNG's plan, as described above, shall be developed and submitted to the Louisiana Department of Natural Resources, by certified mail with return receipt requested, and filed with this Court on Monday, September 14, 2020;
- (6) Plaintiffs or any other party shall have thirty (30) days from the date SNG's plan is filed with the Court to review the plan and submit or provide comments, input, and/or its own plan in response to SNG's plan to the Louisiana Department of Natural Resources and the Court;
- (7) The Louisiana Department of Natural Resources shall submit to the Court a schedule of estimate costs for review of the plans or submittals of the parties;
- (8) Any further proceedings with respect to the plan submitted by SNG, the Louisiana Department of Natural Resources, Plaintiffs, or any other party, shall be conducted pursuant to the procedures set forth in La. R.S. §30:29.

THUS DONE AND SIGNED, this 4th day of August 2020,
 at Franklin, Louisiana.


 JUDGE SUZANNE DEMAHY
 SIXTEENTH JUDICIAL DISTRICT COURT

PLEASE SERVE:
 Plaintiffs, though their counsel of record,
 Gladstone N. Jones, III
 Bernard E. Boudreaux, Jr.
 Eberhard D. Garrison
 Kevin E. Huddell
 Emma Elizabeth Antin Daschbach
 John T. Arnold
 Lindsay E. Reeves
 Christopher W. Swanson
Jones, Swanson, Huddell & Garrison, L.L.C.
 601 Poydras Street, Suite 2655
 New Orleans, Louisiana 70130
 Telephone: (504) 523-2500
 Facsimile: (504) 523-2508

CLERK'S OFFICE, FRANKLIN, LA

AUG 10 2020

A true copy of the original

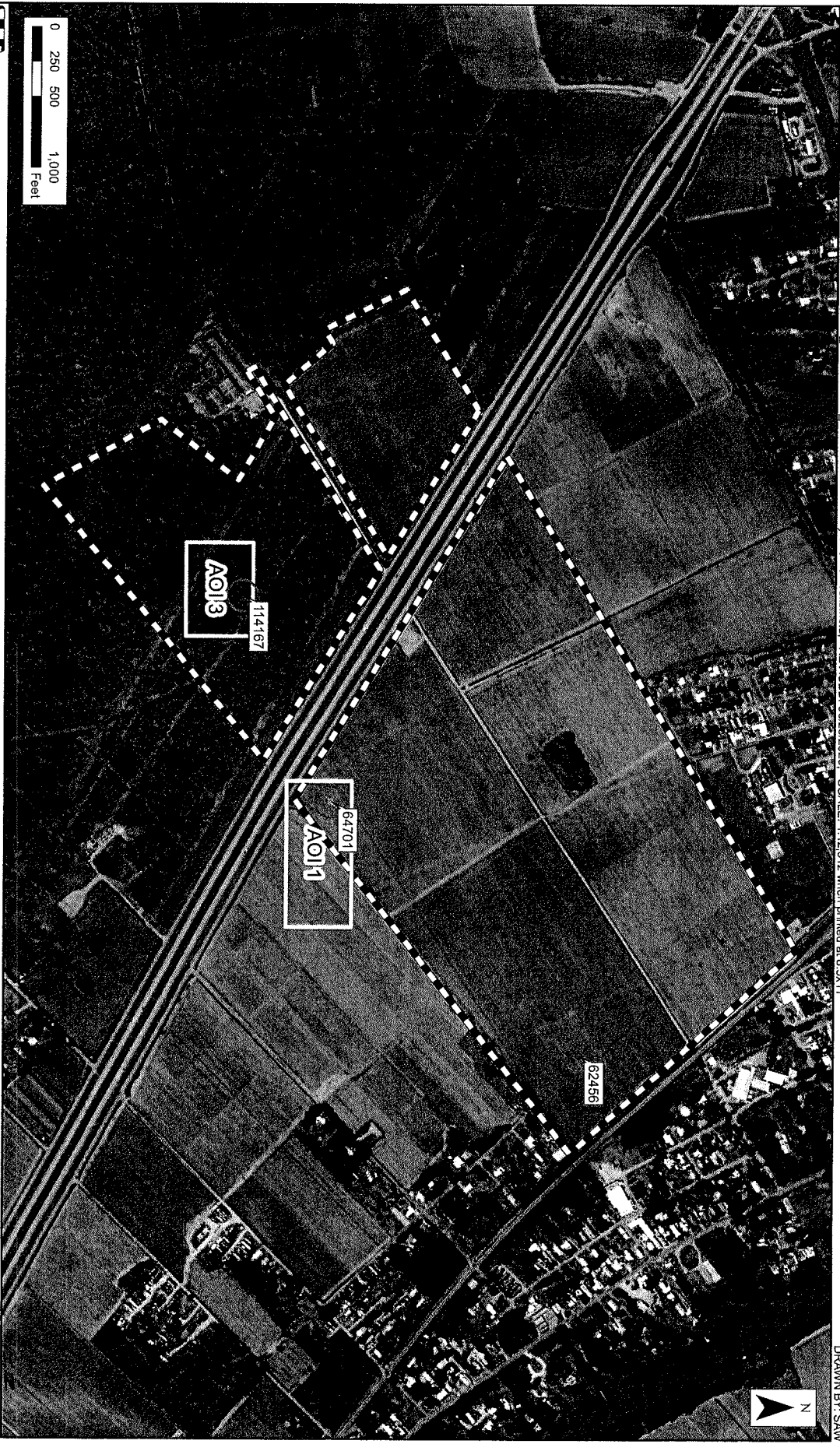
Attest Charlene M. Cepelac
 Dy. Clerk of Court

RECEIVED AND FILED

FACSIMILE OF THIS PLEADING
 WAS RECEIVED AND FILED ON

JUL 31 2020

AUG 04 2020
Charlene M. Cepelac
 Dy. Clerk of Court



Property Boundary

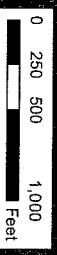
ICON AOIs in Vicinity of SNG Wells

○ SNG Well in Petition

◇ P&A Dry Hole

★ P&A Oil Producer

★ P&A Gas & Condensate Producer



RECEIVED AND FILED

Figure 1
 ICON AOIs in Vicinity of SNG Wells

AUG 04 2020

St. Mary Parish, Louisiana

Environmental Resources Management
 www.erm.com

Notes:
 ICON AOIs from April 2020 Expert Report and Restoration Plan.
 Imagery Basemap via ArcGIS Online

EXHIBIT A