

14TH JUDICIAL DISTRICT COURT FOR THE PARISH OF CALCASIEU

STATE OF LOUISIANA

DOCKET NO. 2019-4925

DIVISION "F"

H.C. DREW ESTATE

VERSUS

NEUMIN PRODUCTION COMPANY, ET AL.

FILED:

OCT 14 2021

Carole B. LeBlanc
DEPUTY CLERK

**NEUMIN PRODUCTION COMPANY'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 AND INCORPORATED MEMORANDUM IN SUPPORT**

Neumin Production Company ("Neumin") is contemporaneously filing a limited admission under Louisiana Revised Statute §30:29 ("Act 312") herewith, admitting that "environmental damage" exists on a portion of Plaintiff H.C. Drew Estate's property and that Neumin is a "responsible party" as to a specific portion of H.C. Drew Estate's property. Neumin therefore moves this Court for an Order referring this matter to the Louisiana Department of Natural Resources ("LDNR") for the development of the "most feasible plan" to evaluate or remediate "environmental damage" as mandated by Act 312.

I. RELEVANT LAW

Act 312 ensures "that damage to the environment is remediated to a standard that protects the public interest" and sets "forth the procedure for judicial resolution of claims for environmental damage to property arising from activities subject to the jurisdiction of the Department of Natural Resources, office of conservation." La. R.S. §30:29(A). Act 312 and Louisiana Code of Civil Procedure article 1563 allow parties to make a "limited admission" by which a party may elect to limit an admission of responsibility for "environmental damage" to "responsibility for implementing the most feasible plan to evaluate, and if necessary, remediate all or a portion of the contamination that is the subject of the litigation to applicable regulatory standards[.]" La. Code Civ. P. art. 1563(A)(1). "Environmental damage" is broadly defined by 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 evaluate or remediate the “environmental 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.*

II. NEUMIN’S LIMITED ADMISSION UNDER ACT 312 AND REQUEST FOR REFERRAL TO THE LDNR

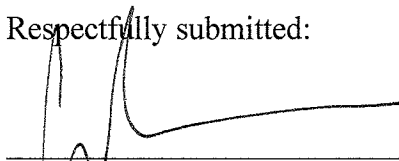
As indicated above, Neumin has admitted that “environmental damage,” as defined by Act 312, exists on a portion of the H.C. Drew Estate property, which is identified as the Limited Admission Area, associated with the HC Drew Manual Estate “15” No. 1 well (bearing Serial No. 225207), within Exhibit 1 to Neumin’s Limited Admission Under Louisiana Revised Statute §30:29. Further, Neumin 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, Neumin respectfully requests the Court to refer Neumin, H.C. Drew Estate, and this matter to LDNR for development of the “most feasible plan” to evaluate or remediate the “environmental damage” on the property. Neumin further requests that this Court:

- (1) Set the deadline for Neumin’s plan to be developed and submitted to the LDNR by certified mail (with return receipt requested) and filed with this Court on Wednesday, November 10, 2021;
- (2) Order that H.C. Drew Estate or any other party shall have thirty (30) days from the date Neumin’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 Neumin’s plan to the LDNR and this Court;

- (3) Order the LDNR to submit to the Court a schedule of estimated costs for review of the plan(s) or submittal(s) of the parties;
- (4) Order the LDNR to submit to the Court its “most feasible plan” to evaluate or, if necessary, remediate the “environmental damage” within the deadlines set forth in Act 312; and
- (5) Order that any further proceedings with respect to the plan submitted by Neumin, the LDNR, H.C. Drew Estate, or any other party, be conducted pursuant to the procedures set forth in La. R.S. §30:29.

Respectfully submitted:



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-and-

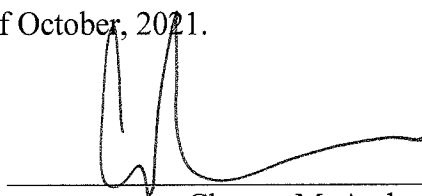
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Attorneys for Neumin Production Company

CERTIFICATE OF SERVICE

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

New Orleans, Louisiana, this 14th day of October, 2021.



Chynna M. Anderson

14TH JUDICIAL DISTRICT COURT FOR THE PARISH OF CALCASIEU

STATE OF LOUISIANA

DOCKET NO. 2019-4925

DIVISION "F"

H.C. DREW ESTATE

VERSUS

NEUMIN PRODUCTION COMPANY, ET AL.

FILED: Oct 14 2021

By Carole B. LeBlanc
DEPUTY CLERK

ORDER

Considering Neumin Production Company's ("Neumin") Limited Admission Under Louisiana Revised Statute §30:29 and Neumin'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, Neumin enters a limited admission of responsibility for the "environmental damage," as defined in La. R.S. §30:29(I)(2), which exists on property identified on **Exhibit 1**—Limited Admission Area, associated with the HC Drew Manual Estate "15" No. 1 well (bearing Serial No. 225207)—attached hereto.
- (2) Neumin'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 1** – Limited Admission Area, associated with the HC Drew Manual Estate "15" No. 1 well (bearing Serial No. 225207).
- (3) Neumin's limited admission is not an admission of private liability for any of H.C. Drew Estate's private claims and is not to be construed as a waiver of any affirmative defenses.
- (4) Neumin 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 1** – Limited

Admission Area, associated with the HC Drew Manual Estate "15" No. 1 well (bearing Serial No. 225207).

- (5) Neumin'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 Wednesday, November 10, 2021.
- (6) H.C. Drew Estate or any other party shall have thirty (30) days from the date Neumin'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 Neumin's plan to the Louisiana Department of Natural Resources and the Court.
- (7) The Louisiana Department of Natural Resources shall conduct a public hearing regarding the plan and file a final plan that evaluates or remediates the property pursuant to the deadlines and procedures set forth in La. R.S. §30:29.
- (8) The Louisiana Department of Natural Resources shall submit to the Court a schedule of estimated costs for review of the plan(s) or submittal(s) of the parties.
- (9) Any further proceedings with respect to the plan submitted by Neumin, the Louisiana Department of Natural Resources, H.C. Drew Estate, or any other party, shall be conducted pursuant to the procedures set forth in La. R.S. §30:29.

THUS DONE AND SIGNED this 25th day of October 2021, in Lake Charles, Louisiana.

S/ Derrick Dhee
JUDGE, 14TH JUDICIAL DISTRICT COURT
Derrick Dhee

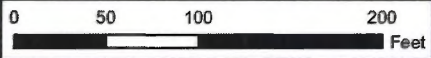
PLEASE SERVE:
Plaintiff H.C. Drew Estate,
Through its counsel of record:



J. Michael Veron
Veron, Bice, Palermo & Wilson, LLC
721 Kirby Street
Lake Charles, LA 70601

A TRUE COPY
Lake Charles, Louisiana
James Wilson
Deputy Clerk of Court
Iberia Parish, Louisiana
OCT 29 2021

QA\Houston\Projects\0494259 Choupique Remediation Plan.DA\GIS\Maps\03 Limited Admission\Exhibit 1 - Limited Admission Area.mxd REVISED: 09/27/2021 SCALE: 1:1,195 when printed at 8.5x11

DRAWN BY: SAW



-  P&A Producer
-  Limited Admission Area

OCT 14 2021
Carole B LeBlanc

Notes:
Imagery basemap via ArcGIS Online.

Exhibit 1
Limited Admission Area
HC Drew Manual Estate "15" No. 1
Neumin Production Company
North Choupique Oil & Gas Field
Calcasieu Parish, Louisiana

Environmental Resources Management
www.erm.com



Source: Esri - ArcGIS Online; NAD 1983 UTM Zone 15N