

SUPREME COURT OF LOUISIANA

W&T Offshore, L.L.C. v. Texas Brine Corporation and Texas Brine Company, L.L.C.; Texas Brine Company, L.L.C. v. W&T Offshore, L.L.C.

2018-C-0950, consolidated with 2018-C-0956 · No. 2018-C-0950, consolidated with 2018-C-0956 · Decided June 26, 2019

SUMMARY

The Louisiana Supreme Court considered consolidated applications arising from the construction of a replacement brine pipeline under a 1979 lease and right-of-use provision. The court held that Texas Brine Corporation and Texas Brine Company, L.L.C. were not liable for trespass or damages and reinstated the district court's dismissal of those claims, while affirming the court of appeal in all other respects. The opinion emphasized that its holding was limited to the unusual facts of the case, and separate dissents addressed the interpretation of Louisiana's law governing rights of use and predial servitudes.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per curiam; Johnson, C.J.; Weimer, J.; Clark, J.
JURISDICTION	Louisiana
DECIDED	June 26, 2019
DOCKET	2018-C-0950, consolidated with 2018-C-0956
DISPOSITION	reversed
PROCEDURAL POSTURE	Consolidated applications for review on writ of certiorari from a judgment of the Louisiana Court of Appeal, First Circuit.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion, with expressly narrow factual scope.
PARTIES	Texas Brine Corporation, Texas Brine Company, L.L.C. v. W&T Offshore, L.L.C.

TOPICS

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PRACTICE AREAS

real property oil and gas mineral law contracts trespass

QUESTIONS PRESENTED

1. Whether, under the highly unusual facts of the case, the district court erred by dismissing W&T Offshore's trespass and damages claims arising from Texas Brine's construction of a larger replacement pipeline in a different location.
2. Whether the court of appeal properly held that Texas Brine committed a trespass and was liable for damages.

HOLDINGS

1. Under the precise and narrow facts presented, the district court did not err in dismissing W&T Offshore's trespass and damages claims with prejudice.
2. The judgment of the court of appeal was affirmed in all respects other than its holding that Texas Brine committed a trespass and was liable for damages.

KEY QUOTATIONS

“Considering the highly unique facts and unusual circumstances of this case, a majority of this court has determined the district court did not err in dismissing the trespass and damage claims asserted by W&T Offshore, L.L.C.” (1)

“we emphasize our holding is limited to the precise and narrow facts before the court and should not be interpreted expansively beyond the specific factual confines presented.” (1)

“The judgment of the court of appeal is reversed insofar as it held Texas Brine Corporation and Texas Brine Company, L.L.C. committed a trespass and were liable for damages.” (2)

FACTUAL BACKGROUND

In 1979, the property owners granted Texas Brine a right of use to construct, operate, and maintain a pipeline for transporting brine across specified property. An original pipeline was constructed in 1980, and W&T later acquired an undivided interest in the property subject to the right of use. After the original pipeline became obsolete, Texas Brine constructed a larger replacement pipeline in a different location under a 2015 right-of-way agreement signed by other co-owners but not W&T. W&T asserted trespass and damages claims based on the replacement pipeline.

PROCEDURAL HISTORY

The district court dismissed W&T Offshore's trespass and damages claims with prejudice. The court of appeal reversed insofar as it dismissed those claims and held that Texas Brine committed a trespass and was liable for damages. The Louisiana Supreme Court granted certiorari, reversed that portion of the court of appeal's judgment, reinstated the district court's dismissal of the trespass and damages claims, and affirmed the remainder of the court of appeal's judgment.

DISPOSITION

reversed

CASES CITED

- W&T Offshore, L.L.C. v. Texas Brine Corp., 2017-0574 (La. App. 1 Cir. 5/10/18), 250 So. 3d 970
- W&T Offshore, L.L.C. v. Texas Brine Corp., 2018-0956 (La. 10/8/18), 253 So. 3d 788
- Wede v. Niche Mktg. USA, LLC, 10-0243 (La. 11/30/10), 52 So. 3d 60
- Frost-Johnson Lumber Co. v. Salling's Heirs, 150 La. 756, 91 So. 207 (1902)
- Mallet v. Thibault, 212 La. 79, 31 So. 2d 601 (1947)
- Simoneaux v. Lebermuth & Israel Planting Co., 155 La. 689, 99 So. 531 (1924)
- Parish v. Municipality No. 2, 8 La. Ann. 145 (1853)
- Buras Ice Factory, Inc. v. Department of Highways, 235 La. 158, 103 So. 2d 74 (1958)
- McGuffy v. Weil, 240 La. 758, 125 So. 2d 154 (1960)
- Whitehall Oil Co. v. Heard, 197 So. 2d 672 (La. App. 3 Cir.), writ refused, 250 La. 924, 199 So. 2d 923 (1967)
- J.C. Trahan Drilling Contractor, Inc. v. Younger, 169 So. 2d 15 (La. App. 2 Cir. 1964)
- Dickson v. Arkansas Louisiana Gas Co., 193 So. 246 (La. App. 2 Cir. 1939)
- Evans v. Lungrin, 97-0541 (La. 2/6/98), 708 So. 2d 731
- Willis-Knighton Med. Ctr. v. Caddo-Shreveport Sales & Use Tax Comm'n, 04-0473 (La. 4/1/05), 903 So. 2d 1071
- Eagle Pipe & Supply, Inc. v. Amerada Hess Corp., 10-2267 (La. 10/25/11), 79 So. 3d 246

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