



LOUISIANA OIL & GAS ASSOCIATION

DON G. BRIGGS, *President*

Southeast Flood Protection Authority-East Monthly Meeting August 15, 2013

Prepared by Lauren Chauvin

A day after the Joint Transportation Committee meeting, the SLFPA-East held its monthly meeting in New Orleans. The commissioners walked into a room full of cameras and a standing ovation from the crowd, which included many members of the Eco-Socialist group, the Bucket Brigades, and the Serra Club. After getting through their normal business the lawsuit discussion began. John Barry opened up the conversation by reciting many of his same talking points, but also provided a lack-luster rebuttal to an overarching problem of the lawsuit: the loss of jobs in our industry. According to Barry, the jobs we lose will be made up and supplemented by the jobs created by this lawsuit. Stephen Estopinal claimed that oil companies are not going to leave the state until there isn't a drop of oil left in the ground, and the jobs will not be going anywhere until they can not find a person to do a hard days work.

After this opening session, the board – along with Garret Graves, Giuseppe R. Miserendino (CPA Regional Director for SLFPA-West) and presumably Gladstone Jones (who paraded in the same direction as the board and was seen leaving at the same time, but whose presence was not confirmed) – went into a private executive session. The session lasted from 12:30-4:00. Graves, supported by Miserendino, made a presentation to the board. The executive session is a confidential session, so what went on in the meeting is only speculative. It is assumed their presentation was either to persuade the board to withdraw the suit or postpone it.

When the board resumed the public session, President Timothy Doody immediately recused himself from the forthcoming vote relating to the lawsuit. He stated there was a chance his law firm could have a conflict with the suit. Notably, Mr. Doody did not recuse himself from the vote on the original resolution to file the lawsuit. The board went on to vote on three resolutions. The first two resolutions had been pending on the agenda. The third was added after the board came out of executive session.

First Resolution: The board affirmed Resolution No. 06-06-13-04 that hired the lawfirm of Jones, Swanson, Huddell & Garrison, LLC (Gladstone Jones) to pursue the board's lawsuit.

Second Resolution: The board ratified the decision to file and to continue prosecution of the lawsuit. This resolution must be approved by the Attorney General. We were told the Resolution was not available to the public. One important question surrounding this resolution is whether the board must withdraw the lawsuit and re-file if the A.G. approves the resolution. The board did not discuss this issue, but in an interview, Graves suggested the board would have to re-file.

Before voting on the third resolution, Barry made another speech. It contained a lot of talking points from his recent repertoire, but a few things stood out. First, he stated on behalf of the board, "We believe the industry has generally failed at following their permit obligations." Second, he claimed that, "The Master plan has no funding." Finally, in discussing the contingency fee agreement and the "poison pill" provision,

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he said, "Because of political pressure we knew we would get, we put in a provision that the lawyer would receive reasonable fees and expenses if we back out of the suit." He suggested that this was the only way any lawyer would agree to the case.

Third Resolution: The last motion was for an impromptu resolution that the board made off the cuff. Because they were shooting from the hip, the resolution was a bit ambiguous. The board unanimously voted to pass a Resolution stating the following:

- The board would consider putting a 45-day pause on the substantive case while the procedural part could continue if the CPRA makes a good faith effort to bring everyone to the table and come up with a solution;
- The CPRA is to create a task force to discuss the ramifications of the lawsuit on the other state entities; and
- If the board sees the CPRA taking action, they will institute the "pause".

Lastly, the board discussed implementation of legal protection to oil and gas companies if they were willing to put forth a substantial amount of money.

LOGA will continue to monitor this matter and keep our members informed of its progression. If you have any questions or suggestions please call LOGA's office 225-388-9525

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