

## Louisiana Appellate Court Grants Supervisory Writ in Favor of Client in Oilfield Legacy Case

On February 16, 2016, the Louisiana 1<sup>st</sup> Circuit Court of Appeal granted a supervisory writ in favor of a FormanWatkins' client and in doing so, clarified an open question of Louisiana law which is of critical importance in "oilfield legacy" cases. Plaintiff in Mulder was a landowner who alleged that her property was contaminated by a gas well that she alleges was improperly plugged several decades earlier when she did not own the property. FormanWatkins sought a ruling from the Trial Court that the plaintiff's claim was barred by Louisiana's "subsequent purchaser rule" that, under certain circumstances, bars property owners' claims for damage to their property prior to their acquisition thereof. Citing conflicting opinions from several Louisiana appellate courts on this issue, plaintiff argued to the Trial Court that since the property was subject to a mineral lease, the subsequent purchaser doctrine did not apply. The Trial Court accepted this argument and ordered that the case could proceed. Tim Gray filed a Supervisory Writ with the Louisiana First Circuit Court of Appeal seeking an interlocutory order that the subsequent purchaser doctrine applied irrespective of the presence of a mineral lease. The Appellate Court granted the Writ, holding that the doctrine applies in such cases.