



# PLANO

*Professional Landmen's Association of New Orleans*

**AUGUST, 2003**

[www.planoweb.org](http://www.planoweb.org)

**PLANO BULLETIN #019**

## **PLANO EVENTS**

- Sept. 8 PLANO Luncheon, Muriel's Jackson Square
- Oct. 16 PLANO Icebreaker, Hotel Monteleone
- Oct. 17 Joint AAPL/PLANO Luncheon, Hotel Monteleone
- Oct. 20 PLANO Fall Golf Outing, Money Hill, Abita Springs, LA
- Nov. 10 PLANO/API Joint Luncheon,
- Dec. 9 PLANO Luncheon, Galatoire's Restaurant
- Dec. 10 PLANO Christmas Social, Omni Royal Orleans

## **OTHER ACTIVITIES**

- Aug. 20 OCS Lease Sale 187 Western GOM
- Sept. 29 HAPL Annual Golf Tournament Kingwood & Deerwood C.C.
- Oct. 16 HAPL Annual Executive Night, Hyatt
- Oct. 17 AAPL/PLANO Gulf Coast Land Institute, New Orleans, LA
- Dec. 10 OCS Lease Sale 189 Eastern GOM

## **SEPTEMBER LUNCHEON**

**MONDAY, SEPTEMBER 8, 2003**

**11:30 A.M.**

**MURIEL'S RESTAURANT  
New Orleans, LA**

Arrangements are under way for the securing of a high-ranking member from the New Orleans Saints Administration to address PLANO members at this luncheon. Vacation schedules have delayed finalizing the selection of the speaker. The name will be obtained and full information given to the PLANO membership in both the September Newsletter and the flyer to be issued for luncheon reservations.

## **PLANO OCS LEASE SALE 187 WGOM**

**SHERATON NEW ORLEANS  
GRAND BALLROOM AB  
(Adjacent to the MMS Lease Sale)  
500 Canal Street  
New Orleans, LA**

**WEDNESDAY, AUGUST 20, 2003**

**7:00 A.M. - 9:00 A.M.**

*An invitation is extended to all persons attending the Lease Sale to join us for breakfast*

## MESSAGE FROM THE PLANO PRESIDENT 2003-2004



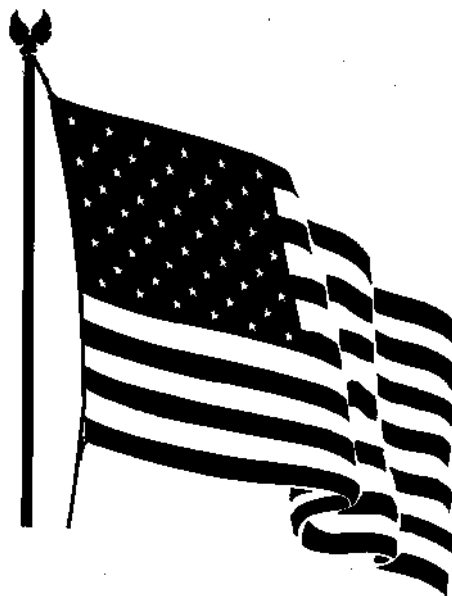
It is a true honor and privilege to serve as your president for the upcoming year. As I reflect on my 22 years in the business, I am heartened to have been associated with landmen. Early in 1981, I soon realized the caliber of individuals engaged in our profession and the true meaning of one's word as their bond. Despite the reams of agreements we generate, negotiate, finalize, implement and administer, true success depends on underlying trust and reliance. I'm proud to say that ours is still a profession where one may rely on his or her counterpart to honorably uphold the other end of the bargain.

In a performance review at the beginning of my career, I was asked to relate goals. One of the highest ranking was to be involved with PLANO to the greatest extent possible. Well, it took a while but I really look forward to working with the leadership and all of the membership to make the coming year a success. We will continue to provide first rate education, social and industry gatherings to ensure that you as a PLANO member get the most beneficial experience out of our organization.

As an aside, the best benefit of membership is getting to know the fine people in our association through PLANO events. Whether it be a monthly meeting, a Zephyrs game with Friday night fireworks, a free seminar with all available professional credit, the golf tournament or Executive Night with Bourbon Street balcony, the camaraderie is hard to beat.

I look forward to working and socializing with all of you.

***Frank D. Barber, III, PLANO President***



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## VOLUNTEERS NEEDED

Photographer for photo taking at PLANO events on an as-needed basis. Call Margo Cameron, PLANO Administrator, at (504) 593-7560, or e-mail to [margo\\_cameron@dom.com](mailto:margo_cameron@dom.com).

## ADVERTISERS NEEDED

PLANO is seeking advertisers for its monthly newsletter. Anyone interested in displaying an advertisement in the newsletter is asked to contact Margo Cameron at 504-593-7560 for further information.



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## LOUISIANA LEGAL UPDATE OIL & GAS LAW DEVELOPMENTS CASES OF INTEREST

Presented by Gordon T. Whitman  
The Onebane Law Firm, Lafayette, Louisiana  
1-337-237-2660

### Louisiana Supreme Court Upholds Corbello Decision on Rehearing

Recently, we advised you of *Corbello v. Iowa Production, et al*, 2003 La. Lexis 613 (La. S. Ct. decided February 25, 2003), in which the Supreme Court dealt with numerous issues involving the claims of a landowner against an oil company for trespass after the expiration of a surface lease, for unauthorized disposal of salt water on the land, and for the condition of the leased premises. One of the most important issues was a claim for damages to a fresh water aquifer not owned by the plaintiff landowner but providing fresh water for the region. The Supreme Court award damages of \$28 million without any requirement that the amounts awarded be actually used to remediate the damage to the aquifer. A Rehearing was granted by the Supreme Court. However, it was apparently limited to the issue of whether the Plaintiff had proven that any damage had actually taken place. The Supreme Court affirmed this holding on rehearing at 2003 La. Lexis 1913 (La. Ct. decided June 20, 2003).

At the very least, it was hoped that in light of the Court's expressed concern about such contamination, any decree would place this portion of the award into the registry of the court and allow withdrawal only for remediation efforts. While the Court in its original opinion denigrated the efforts of the State of Louisiana to protect the environment, it reaffirmed awarding the above sums to the plaintiff without such a requirement.

It is unclear whether the above is final. We will advise you of further developments, if any, in this case.

### Act No. 1166 of 1993 Louisiana Legislature

### Provides Procedure for Contamination Claims Involving Fresh Water Aquifers

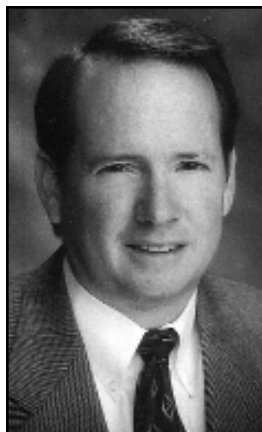
As discussed above, the Louisiana Supreme Court has affirmed its original decision in *Corbello*. In response to the above decision, the 2003 Louisiana Legislature enacted Act No. 1166, **effective July 2, 2003**, which added La. R.S. 30:2015.1. The Act provides, among other things, that if a party brings a suit that contains such a claim, he shall provide written notice by certified mail to the State of Louisiana through both the Department of Natural Resources ("DNR") and the Department of Environmental Quality ("DEQ"), and they shall have the right to intervene in the case. In the event that there is a determination that such contamination has taken place, the court is to order either the responsible party or a court-appointed expert to develop a plan for evaluation or remediation of the contamination. A procedure is set forth for parties to object to the plan as presented, with hearings on same, and for the court to adopt or structure a plan to evaluate and remediate the contamination.

The court then is to order the responsible party to fund implementation of the Plan. The Act specifically provides that the court shall not adopt a plan without the court giving DNR or DEQ an opportunity to provide input into the formulation of the plan and without the court considering any input DNR or DEQ may provide. **Significantly, the Act provides that regardless of whether DNR or DEQ becomes a party, all damages or payments for such claims shall be paid exclusively into the registry of the court, with the court to allow payments in increments as necessary to fund the evaluation and remediation.**

### About the Author

**Gordon T. Whitman:** Born New Orleans, Louisiana, January 25, 1955; admitted to Bar, 1981, Louisiana. *Education:* University of Southwestern Louisiana (S., 1977); Louisiana State University (J.D., 1981). Phi Kappa Phi; Phi Delta Phi; Order of the Coif. Member, Louisiana Law Review, 1980-1981. Speaker, 46th Annual Meeting and 2000 International Conference of American Association of Professional Landman; Speaker, 45th Annual Meeting and 1999 International Conference of American Association of Professional Landmen; Speaker, 43rd Annual Meeting and 1997 International Conference of American Association of Professional Landmen. *Member:* Louisiana State Assistant Examiner for Committee on Bar Admissions (1993-2002), and American Bar Association; Lafayette Association of Petroleum Landmen; Professional Landmen's Association of New Orleans; American Association of Professional Landmen; Louisiana Independent Oil and Gas Association; Louisiana Association of Bank Counsel; Advisory Council to Louisiana Mineral Law Institute.

*Areas of Practice:* Oil and Gas, Business



Section 2 of the Act expressly provides that it is *interpretative, remedial and procedural and shall be applied both prospectively and retroactively only to cases initially filed after August 1, 1993, provided however, that where a case filed after August 1, 1993, has been heard by a trial court and a judgment rendered therein is not final, only parts C and D of this Section shall be applicable. This Act shall not apply to cases that have been compromised or settled prior to the effective date of this Act.*

Part C is applicable prior to judgment on the merits where a party admits responsibility or the court makes a determination that contamination exists that is a danger to the public health. In that case, the Act provides for the court to order the responsible party or a court-appointed expert to develop a plan. If a

judgment on the merits has been rendered, Part D contains provisions similar to Part C requiring the court to issue orders to develop a plan.

It remains to be seen how the Louisiana Courts apply (or refuse to apply for whatever reason) this Act.

Copies of the above case can be obtained upon request to the writer at (337) 266-1232 (FAX), or whitman@onebane.com (internet e-mail).

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## THOUGHT FOR THE DAY

*Submitted by the  
PLANO Newsletter Editor*

There is one thing alone that stands the brunt of  
life throughout its life;  
a quiet conscience

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## MOVE TO HOUSTON, TX EXXONMOBIL PRODUCTION COMPANY

On July 11, 2003, we said "Adieu" to fellow PLANO members with ExxonMobil Production Company who were transferred from our fair city to Houston, TX. To update your records, new addresses, telephone numbers, etc., are given below for the individuals involved.

Donald A. Adams, Jr.  
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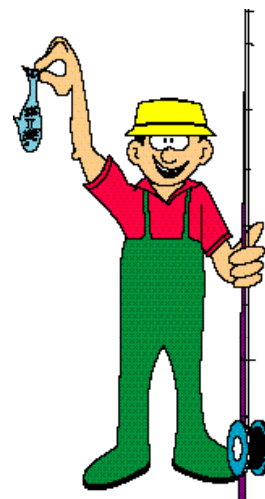
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### **Remember . . .**

The lazy, hazy days of summer are here. During the month of August no PLANO luncheon are scheduled.

*Gone fishin' . . . . .*





# PLANO OCS LEASE SALE 187 WGOM

## BREAKFAST

**Sheraton New Orleans Hotel  
Grand Ballroom AB**

**(Adjacent to the MMS Lease Sale)**

**500 Canal Street**

**New Orleans**

**WEDNESDAY, AUGUST 20, 2003**

**7:00 a.m. - 9:00 a.m.**

An invitation is extended to all persons attending the Lease Sale to join us for breakfast.

### **PLANO MEMBER BENEFIT!**

PLANO is partnered with Shell New Orleans Federal Credit Union to offer you an additional benefit – credit union membership.

Shell New Orleans Federal Credit Union is a not-for-profit, cooperative financial institution owned and run by its members. Organized to serve and democratically controlled, the credit union provides members a safe place to save and borrow money at reasonable rates. Members elect a volunteer board made up of members that guide the credit union's policies and future growth.

Because Shell New Orleans Federal Credit Union caters to busy professionals throughout the New Orleans metro area, products and online banking tools are structured to meet members' changing needs, in addition to providing convenience for their families. Visit Shell New Orleans Federal Credit Union online at [www.shellnofcu.com](http://www.shellnofcu.com) to download a membership application and view their current rates for new and used auto loans and mortgages. You can apply online and get instant approval! For more information, contact a Shell New Orleans Federal Credit Union Member Service Representative at 504-728-4853.



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