

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

DEPARTMENT OF NATURAL RESOURCES	*	DOCKET NO. 2022-8332-DNR-OOC
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IN THE MATTER OF	*	
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AUGUST LEVERT, JR., FAMILY, LLC; RONALD R. LEVERT; PAUL M. LEVERT; MARK W. LEVERT, JR.;	*	
JOHN E. SANFORD; JAMES L. SANFORD; AND CAMPO E. MATENS VS. BP AMERICA PRODUCTION COMPANY	*	

COMMISSIONER’S CONFERENCE REPORT AND ORDER

The parties conducted a telephone Commissioner’s Conference on December 21, 2022, with Administrative Law Judge Alberto De Puy. During the conference, legal counsel for the following entities participated: BP America Production Company (BP); Arthur J. Levert, Jr. Family, LLC; Ronald R. Levert; Paul M. Levert; Mark W. Levert, Jr.; John E. Sanford; James L. Sanford; Campo E. Maten; and the Louisiana Department of Natural Resources (DNR). Additionally, Gary Snellgrove participated as a representative of the DNR Office of Conservation Panel (Panel).

The following were items discussed:

Hearing Type: Without objection, all parties agreed that the hearing is to be conducted by video teleconference (Zoom). The undersigned will conduct the hearing from a Division of Administrative Law (DAL) courtroom and all other participants will join through a Zoom meeting. Any members of the public may view and hear the audio in the DAL courtroom. Prior to the scheduled start of the hearing, a Zoom meeting invitation will be issued in the same manner as the notification of the Commissioner’s Conference. The invitation should be operational for all days of the hearing.

Schedule: The hearing is scheduled to commence on Monday, January 9, 2023, at 9:00 AM. The hearing will adjourn for the day at approximately 4:30 PM. The current schedule, which is subject to change, is for the hearing to resume each consecutive business day at 9:00 AM and adjourn each day at approximately 4:30 PM, until the hearing is completed. There will be one mid-morning and one mid-afternoon planned rest breaks of approximately 15 minutes,

each. Additionally, each hearing day will have a planned one-hour lunch break starting at approximately 11:30 AM and ending at 12:30 PM.

Hearing Procedure: After the undersigned starts the hearing on January 9, 2023, any agreed stipulations may be presented by the parties at that time. BP will be given up to 30 minutes for an opening statement. Subsequently, counsel for the other parties (landowners) will also be given up to 30 minutes to present an Opening Statement.

BP will present its evidence for the hearing. The landowners will then present their evidence. All witnesses called will be subject to direct examination, cross-examination, and re-direct.

At the conclusion of the presentation of all evidence, BP will have up to 30 minutes for a closing statement, followed by counsel for the landowners, who will also have up to 30 minutes.

Deadlines:

Motions in Limine. Any motions in limine will be electronically filed with DAL, electronically delivered to counsel for all other parties, and electronically delivered to the Panel no later than **4:00 PM on Thursday, December 29, 2022**. Any response to the motion in limine will be electronically filed and delivered in the same manner no later than **4:00 PM on Tuesday, January 3, 2023**.

Will Call Witnesses Lists, Exhibit Lists, and Exhibits. All lists of Will Call Witnesses, Exhibits, and copies of designated and numbered Exhibits will be electronically exchanged, electronically delivered to the Panel, and electronically filed with DAL no later than **4:00 PM on Tuesday, January 3, 2023**. Any new or demonstrative evidence to be utilized by a witness, that has not been previously provided, will be delivered in the same method as other exhibits no later than 9:00 PM the day prior to the day of the anticipated testimony of the witness.

Technical Data: All technical data has been exchanged by the parties.

Court Reporter: BP has taken responsibility for the presence of a court reporter, who will be on the Zoom meeting.

Pre-Hearing and Post-Hearing Briefs: There will be no Pre-Hearing and Post-Hearing Briefs filed by the Parties.

Email List for Panel, DNR, and Court Reporter: Attached to this report is a list of email addresses provided by the Panel representative for electronic delivery of documents to

appropriate persons. The parties will be responsible for obtaining the necessary information for electronic exchanges and filing with DAL.

ORDER


IT IS ORDERED that all motions in limine shall be electronically filed with the Division of Administrative Law no later than **4:00 PM on Thursday, December 29, 2022**, and any response shall be electronically filed no later than **4:00 PM on Tuesday, January 3, 2023**. Copies shall be provided to the other parties and entities as referenced in the Conference Report.

IT IS FURTHER ORDERED that all Will Call Witnesses Lists, Exhibit Lists, and copies of Exhibits shall be electronically filed with the Division of Administrative Law no later than **4:00 PM on Tuesday, January 3, 2023**. Any new or demonstrative evidence to be utilized by a witness, that has not been previously provided, shall be delivered in the same method as other exhibits no later than 9:00 PM the day prior to the day of the anticipated testimony of the witness. Copies shall be provided to the other parties and entities as referenced in the Conference Report.

IT IS FURTHER ORDERED that hearing of the above captioned matter shall commence on **Monday, January 9, 2023, at 9:00 a.m., via Zoom Meeting**. An invitation to the meeting shall be sent to the parties and appropriate persons the week before the start of the hearing.

IT IS FURTHER ORDERED that each party shall have two counsel, separately signed into the Zoom meeting, to represent the party's interests and each counsel shall be prepared to participate in the hearing if contact is lost with the other counsel representing the party.

Rendered and signed on January 3, 2023, in Baton Rouge, Louisiana.



Alberto De Puy
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, January 04, 2023, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

Video Hearing Instructions

Docket #: 2022-8332-DNR-OOC

When: Jan 9, 2023, 09:00 AM
Jan 10, 2023, 09:00 AM
Jan 11, 2023, 09:00 AM
Jan 12, 2023, 09:00 AM
Jan 13, 2023, 09:00 AM

Join the Zoom hearing by using this link:

[https://adminlaw-la-gov.zoom.us/j/81437312772?pwd=ekY0VHgvVUoxeU5TK3V5VjBIQVRxQT09](https://adminlaw-la.gov.zoom.us/j/81437312772?pwd=ekY0VHgvVUoxeU5TK3V5VjBIQVRxQT09)

Meeting ID: 814 3731 2772

Passcode: 584960

To participate in the hearing:

1. You will need a camera and microphone to participate in the hearing. If you do not have the necessary equipment, then you will have the option of calling in by telephone to the video hearing.

To have these links emailed to you so that you can access it directly without typing it into your phone or web browser, or if you have a question about joining the hearing through Zoom, please send an email detailing your request or question, the date of your hearing with your name and Docket number from your hearing notice to:

OALprocessing@adminlaw.la.gov

2. Choose a quiet room or location to participate in the hearing. No television or radio on in the background. Do not sit with a window behind you, as the glare can interfere with the video.
3. Dress appropriately as you would for court.
4. It is important that you not speak over someone talking. The judge will instruct you on when it is your turn to speak and ask questions.
5. Any improper behavior will result in the judge removing the offender from the video hearing room and may be considered by the judge as a waiver of your participation in the hearing.