

16th JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARY

STATE OF LOUISIANA

NO: 130-527

DIVISION "B"

LOUISIANA WETLANDS, LLC and NEW 90, LLC

VERSUS

ENERGEN RESOURCES CORPORATION, ET AL.

FILED: _____

DEPUTY CLERK

SECOND SUPPLEMENTAL AND AMENDING PETITION FOR DAMAGES

NOW INTO COURT, come Plaintiffs, New 90, LLC and James J. Bailey, III, individually and as representative of the Successions of Willie Palfrey Foster and Fairfax Foster Bailey, through undersigned counsel, who respectfully file this Second Supplemental and Amending Petition for Damages by incorporating *in extenso* their original Petition for Damages and First Amended Petition for Damages, and by supplementing and amending said petitions as follows:

I.

By amending Paragraph 1 of the original Petition for Damages to remove Louisiana Wetlands, LLC as party plaintiff and to add a new party plaintiff as follows:

“1(a).

Plaintiff, James J. Bailey, III, is a person of full age of majority domiciled in East Baton Rouge Parish, Louisiana. James J. Bailey, III appears as plaintiff both individually and in his capacity as the representative of the Succession of Willie Palfrey Foster and the Succession of Fairfax Foster Bailey. Both successions are open and under administration.”

II.

By amending Paragraph 3 of the original Petition for Damages to identify the following additional parcels as subparagraphs 3(d)-(h):

- d) Parcel Number 2114604022.00, listed in the Tax Roll Records in the Assessor’s Office in St. Mary Parish Louisiana, and described as 13.06 AC POR BD KRAMER & D N FOSTER – PUBLIC RD – J W FOSTER – J W FOSTER SITUATED IN SEC 38 T15S R9E DESIGNATED AS POR OF HEIRS OF W P FOSTER TRACT PER PLAT 3N 42984 261 ACQ 184 303579;

The 2019 Assessment Listing is attached hereto as Exhibit 4.

- e) Parcel Number 2114604066.00 listed in the Tax Roll Records in the Assessor's Office in St. Mary Parish Louisiana, and described as 18.92 AC POR BD KRAMER & D N FOSTER – PUBLIC RD – J W FOSTER – J W FOSTER SITUATED IN SEC 2 T14S R9E LYING WEST OF HWY 90 DESIGNATED AS HEIRS OF W P FOSTER TRACT PER PLAT 3N 42984 388 ACQ 184 303579.

The 2019 Assessment Listing is attached hereto as Exhibit 5.

- f) Parcel Number 2114604072.00, listed in the Tax Roll Records in the Assessor's Office in St. Mary Parish Louisiana, and described as .01 AC POR TRACT "ABCFGHA" PER PLAT 88 290228 SITUATED IN SEC 2 T14S R9R ACQ 184 303579.

The 2019 Assessment Listing is attached hereto as Exhibit 6.

- g) Parcel Number 2114604073.00, listed in the Tax Roll Records in the Assessor's Office in St. Mary Parish Louisiana, and described as 2.35 AC POR TRACT "ABCFGHA" PER PLAT 88 290228 SITUATED IN SEC 38 T15S R9E ACQ 184 303579.

The 2019 Assessment Listing is attached hereto as Exhibit 7.

- h) Parcel Number 2234604017.00, listed in the Tax Roll Records in the Assessor's Office in St. Mary Parish Louisiana, and described as 67.66 AC POR BD ROAD – PUBLIC RD – ARGLINGTON – J W FOSTER SITUATED IN SEC 38 T15S R9E LYING WEST OF U S 90 ALSO DESIGNATED AS POR J W FOSTER TRACT PER PLAT 3N 42984 ACQ 184 303579.

The 2019 Assessment Listing is attached hereto as Exhibit 8.

III.

By amending Paragraph 4 of the original Petition for Damages to add a new party defendant as follows:

"4(6).

BP AMERICA PRODUCTION COMPANY, a foreign corporation having a principal place of business in Texas, and a registered agent CT Corporation System located at 3867 Plaza Tower Dr., Baton Rouge, LA 70816. BP is named as successor in interest to **Pan-American Production Company, Amoco Production Company, Lear Petroleum Exploration, Inc., and Lear Petroleum Corporation.**"

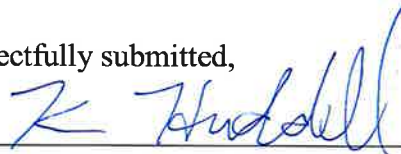
IV.

By substituting the **Exhibit A** attached to the original Petition for Damages listing Defendants' wells for the revised **Exhibit A** attached hereto.

WHEREFORE, Plaintiffs pray that Defendants be cited to appear and answer this petition and that after due proceedings had, that there be judgment entered herein as follows:

1. Awarding Plaintiffs compensatory damages in an amount to be proven at trial, including payment of the costs to restore land loss and restore lands with identified pollution to its original unpolluted state, unjust enrichment damages for the unauthorized disposal of waste on Plaintiffs' property without landowners' consent, civil fruits resulting from Defendants' illegal and bad faith trespass on Plaintiffs' lands, and other property damages;
2. Awarding Plaintiffs punitive damages;
3. Ordering Defendants to pay Plaintiffs sufficient funds so that Plaintiffs may conduct a comprehensive and expedited environmental assessment of Plaintiffs' land to identify all hidden or not yet identified pollution on Plaintiffs' land;
4. Awarding Plaintiffs all costs of this suit and for legal interest therein for any amount awarded from the date of judicial demand until paid; and further awarding Plaintiffs judicial interest on all contract claims from the date of breach;
5. Awarding Plaintiffs stigma damages for diminution in property value before and after restoration;
6. Ordering a mandatory and prohibitory injunction to restore Plaintiffs' property to its pre-contaminated condition and to prevent the migration and spread of toxic and hazardous substances onto Plaintiffs' property;
8. For all costs and attorneys' fees pursuant to La. R.S. 30:29 and any other applicable provision of law;
9. For all just and equitable relief; and
10. For all damages as are reasonable in the premises.

Respectfully submitted,



Gladstone N. Jones, III (#22221)

Eberhard D. Garrison (#22058)

Kevin E. Huddell (#26930)

Emma Elizabeth Antin Daschbach (#27358)

H.S. Bartlett III (#26795)

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Facsimile: (504) 586-5250

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have, on this 17th day of July, 2019, served a copy of the foregoing upon all counsel of record by hand delivery, electronic mail, facsimile and/or U.S. Mail.



Kevin E. Huddell

PLEASE SERVE the Original Petition for Damages, the First Amended Petition for Damages, and the Second Supplemental and Amending Petition for Damages, on the following:

BP AMERICA PRODUCTION COMPANY
Through its registered agency for service
CT Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

Exhibit A

Well Serial Number	Well Name	Well No.	Defendant
62456	FOSTER ET AL	1	Southern Natural Gas Co., LLC
64701	G SU A FOSTER	002-ALT	Southern Natural Gas Co., LLC
66581	11200 SUA;FF BAILEY	2	Chevron USA, Inc.
114167	11200 SUA;FOSTER A	1	Southern Natural Gas Co., LLC
150756	FRK SU;F F SUTTER	1	Energen Resources Corporation
150756	FRK SU;F F SUTTER	1	Brammer Engineering, Inc.
150756	FRK SU;F F SUTTER	1	BP America Production Co.
151396	11200 RA SUA;SUTTER	2	Energen Resources Corporation
151396	11200 RA SUA;SUTTER	2	Brammer Engineering, Inc.
151396	11200 RA SUA;SUTTER	2	BP America Production Co.
151679	F F SUTTER	4	Energen Resources Corporation
151679	F F SUTTER	4	Brammer Engineering, Inc.
151679	F F SUTTER	4	BP America Production Co.
151858	F F SUTTER	001-D	Brammer Engineering, Inc.
156642	F F SUTTER	002D	Brammer Engineering, Inc.
156699	F F SUTTER	004-D	Brammer Engineering, Inc.
211974	LUCIA RC SUA;W K OSCHSMAN ETUX	001-ALT	Brammer Engineering, Inc.
212015	F F SUTTER	5	Brammer Engineering, Inc.
212726	11200 RA SUA;F F SUTTER	5D-ALT	Brammer Engineering, Inc.
970879	F F SUTTER SWD	1	BP America Production Co.
971639	F F SUTTER SWD	2	Energen Resources Corporation
971639	F F SUTTER SWD	2	Brammer Engineering, Inc.
971639	F F SUTTER SWD	2	BP America Production Co.



St. Mary Parish Assessor 2019 Assessment Listing

Parcel#

2114604022.00

View on Map (<http://atlas.geoportalmaps.com/stmary/q/Parcel?PIN=2114604022.00>)

Primary Owner

NEW 90 LLC

Mailing Address

SHADY RETREAT NO 21
P O BOX 842
BATON ROUGE LA 70821-0000

Ward

12-Franklin

Type

REAL PROPERTY

Legal

13.06 AC POR BD KRAMER & D N FOSTER -
PUBLIC RD - J W FOSTER - J W FOSTER
SITUATED IN SEC 38 T15S R9E DESIGNATED AS
POR OF HEIRS OF W P FOSTER TRACT PER PLAT
3N 42984 261
ACQ 184 303579

Physical Address

11701 HWY 90 W FRONTAGE RD

Parcel Items

Property Class	Assessed Value	Market Value	Units	Exempt
AGRICULTURAL LAND CLS III	286	0	13.06	0
TOTAL	286	0	13.06	0

Deeds

Deed#	Type	Date	Amount	Book	Page
303579	Miscellaneous	3/20/2009	0	184	
234857	Miscellaneous	1/1/2000	0	34K	

Ownership History

Homestead?	Name	Primary?	% Ownership	% Tax	From	To	Address
NO	NEW 90 LLC	YES	100.0000	100.0000	3/20/2009		
NO	FOSTER WILLIE P SUCC	NO	15.4800	0.0000	1/1/1900	3/20/2009	
NO	BAILEY JAMES J III	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY P FOSTER	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	NOLAND VIRGINIA B	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY FAIRFAX F SUCC OF	YES	68.7100	100.0000	1/1/1900	3/20/2009	

Locations

Subdivision	Block	Lot	Section	Township	Range	Tract
Ward Twelve Non-subdivision			38	15	9	

PARISH

Millage	Mills	Taxpayer Tax	Exempt Tax
Criminal Tax	3.6200	1.04	0.00
Assessment Dist.	2.8800	0.82	0.00
St. Mary Public Library Dist.	5.7200	1.64	0.00
St. Mary Public Library Bonds	0.3100	0.09	0.00
Consol. School Dist. #5	11.1700	3.19	0.00
Constitutional School Tax	8.3500	2.39	0.00
Consolidated School Dist. #1 Bonds	16.0000	4.58	0.00
Consolidated School Dist. #3 Maint.	12.0000	3.43	0.00
Consol. Gravity Drainage #1	7.8100	2.23	0.00
W. St. Mary Port Commission	3.7200	1.06	0.00
St Mary Levee District	5.0000	1.43	0.00
Law Enforcement Dist.	10.7100	3.06	0.00
Hospital Service Dist #1	12.9200	3.70	0.00
TOTALS	100.2100	28.66	0.00

CITY

Millage	Mills	Taxpayer Tax	Exempt Tax
City of Franklin General	13.8200	3.95	0.00
City of Franklin Special	5.8200	1.66	0.00
TOTALS	19.6400	5.61	0.00

St. Mary Parish Assessor 2019 Assessment Listing

Parcel#

2114604066.00

View on Map (<http://atlas.geoportalmaps.com/stmary/q/Parcel?PIN=2114604066.00>)

Primary Owner

NEW 90 LLC

Mailing Address

SHADY RETREAT NO 21
P O BOX 842
BATON ROUGE LA 70821-0000

Ward

12-Franklin

Type

REAL PROPERTY

Legal

18.92 AC POR BD KRAMER & D N FOSTER -
PUBLIC RD - J W FOSTER - J W FOSTER
SITUATED IN SEC 2 T14S R9E LYING WEST OF
HWY 90 DESIGNATED AS HEIRS OF W P FOSTER
TRACT PER PLAT 3N 42984 388
ACQ 184 303579

Physical Address

11701 HWY 90 W FRONTAGE RD

Parcel Items

Property Class	Assessed Value	Market Value	Units	Exempt
AGRICULTURAL LAND CLS III	413	0	18.88	0
MISCELLANEOUS LAND	10	0	0.04	0
TOTAL	423	0	18.92	0

Deeds

Deed#	Type	Date	Amount	Book	Page
303579	Miscellaneous	3/20/2009	0	184	
234857	Miscellaneous	1/1/2000	0	34K	

Ownership History

Homestead?	Name	Primary?	% Ownership	% Tax	From	To	Address
NO	NEW 90 LLC	YES	100.0000	100.0000	3/20/2009		
NO	FOSTER WILLIE P SUCC	NO	15.4800	0.0000	1/1/1900	3/20/2009	
NO	BAILEY JAMES J III	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY P FOSTER	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	NOLAND VIRGINIA B	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY FAIRFAX F SUCC OF	YES	68.7100	100.0000	1/1/1900	3/20/2009	

Locations**Subdivision**

Ward Twelve Non-subdivision

Block	Lot	Section	Township	Range	Tract
		2	14	9	

PARISH**Millage**

	Mills	Taxpayer Tax	Exempt Tax
Criminal Tax	3.6200	1.54	0.00
Assessment Dist.	2.8800	1.22	0.00
St. Mary Public Library Dist.	5.7200	2.42	0.00
St. Mary Public Library Bonds	0.3100	0.13	0.00
Consol. School Dist. #5	11.1700	4.72	0.00
Constitutional School Tax	8.3500	3.53	0.00
Consolidated School Dist. #1 Bonds	16.0000	6.77	0.00
Consolidated School Dist. #3 Maint.	12.0000	5.08	0.00
Consol. Gravity Drainage #1	7.8100	3.31	0.00
W. St. Mary Port Commission	3.7200	1.58	0.00
St Mary Levee District	5.0000	2.11	0.00
Law Enforcement Dist.	10.7100	4.53	0.00
Hospital Service Dist #1	12.9200	5.47	0.00
TOTALS	100.2100	42.41	0.00

CITY**Millage**

	Mills	Taxpayer Tax	Exempt Tax
City of Franklin General	13.8200	5.85	0.00
City of Franklin Special	5.8200	2.46	0.00
TOTALS	19.6400	8.31	0.00

St. Mary Parish Assessor 2019 Assessment Listing

Parcel#

2114604072.00

View on Map (<http://atlas.geoportalmaps.com/stmary/q/Parcel?PIN=2114604072.00>)

Primary Owner

NEW 90 LLC

Mailing Address

SHADY RETREAT NO 21
P O BOX 842
BATON ROUGE LA 70821-0000

Ward

12-Franklin

Type

REAL PROPERTY

Legal

.01 AC POR TRACT "ABCFGHA" PER PLAT
88 290228 SITUATED IN SEC 2 T14S R9R
ACQ 184 303579

Physical Address

11665 HWY 90 W FRONTAGE RD

Parcel Items

Property Class	Assessed Value	Market Value	Units	Exempt
TIMBER LAND CLASS III	1	0	0.01	0
TOTAL	1	0	0.01	0

Deeds

Deed#	Type	Date	Amount	Book	Page
303579	Miscellaneous	3/20/2009	0	184	
234857	Miscellaneous	1/1/2000	0	34K	

Ownership History

Homestead?	Name	Primary?	% Ownership	% Tax	From	To	Address
NO	NEW 90 LLC	YES	100.0000	100.0000	3/20/2009		
NO	FOSTER WILLIE P SUCC	NO	15.4800	0.0000	1/1/1900	3/20/2009	
NO	BAILEY JAMES J III	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY P FOSTER	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	NOLAND VIRGINIA B	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY FAIRFAX F SUCC OF	YES	68.7100	100.0000	1/1/1900	3/20/2009	

Locations

Subdivision	Block	Lot	Section	Township	Range	Tract
Ward Twelve Non-subdivision			2	14	9	

PARISH

Millage	Mills	Taxpayer Tax	Exempt Tax
Criminal Tax	3.6200	0.00	0.00
Assessment Dist.	2.8800	0.00	0.00
St. Mary Public Library Dist.	5.7200	0.01	0.00
St. Mary Public Library Bonds	0.3100	0.00	0.00
Consol. School Dist. #5	11.1700	0.01	0.00
Constitutional School Tax	8.3500	0.01	0.00
Consolidated School Dist. #1 Bonds	16.0000	0.02	0.00
Consolidated School Dist. #3 Maint.	12.0000	0.01	0.00
Consol. Gravity Drainage #1	7.8100	0.01	0.00
W. St. Mary Port Commission	3.7200	0.00	0.00
St Mary Levee District	5.0000	0.00	0.00
Law Enforcement Dist.	10.7100	0.01	0.00
Hospital Service Dist #1	12.9200	0.01	0.00
Timberland Fire Protection Fee	0.0000	0.00	0.00
TOTALS	100.2100	0.09	0.00

CITY

Millage	Mills	Taxpayer Tax	Exempt Tax
City of Franklin General	13.8200	0.01	0.00
City of Franklin Special	5.8200	0.01	0.00
TOTALS	19.6400	0.02	0.00

St. Mary Parish Assessor 2019 Assessment Listing

Parcel#

2114604073.00

View on Map (<http://atlas.geoportalmaps.com/stmary/q/Parcel?PIN=2114604073.00>)

Primary Owner

NEW 90 LLC

Mailing Address

SHADY RETREAT NO 21
P O BOX 842
BATON ROUGE LA 70821-0000

Ward

12-Franklin

Type

REAL PROPERTY

Legal

2.35 AC POR TRACT "ABCFGHA" PER PLAT
88 290228 SITUATED IN SEC 38 T15S R9E
ACQ 184 303579

Physical Address

11665 HWY 90 W FRONTAGE RD

Parcel Items

Property Class	Assessed Value	Market Value	Units	Exempt
TIMBER LAND CLASS III	29	0	2.35	0
TOTAL	29	0	2.35	0

Deeds

Deed#	Type	Date	Amount	Book	Page
303579	Miscellaneous	3/20/2009	0	184	
234857	Miscellaneous	1/1/2000	0	34K	

Ownership History

Homestead?	Name	Primary?	% Ownership	% Tax	From	To	Address
NO	NEW 90 LLC	YES	100.0000	100.0000	3/20/2009		
NO	FOSTER WILLIE P SUCC	NO	15.4800	0.0000	1/1/1900	3/20/2009	
NO	BAILEY JAMES J III	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY P FOSTER	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	NOLAND VIRGINIA B	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY FAIRFAX F SUCC OF	YES	68.7100	100.0000	1/1/1900	3/20/2009	

Locations

Subdivision	Block	Lot	Section	Township	Range	Tract
Ward Twelve Non-subdivision			38	15	9	

PARISH

Millage	Mills	Taxpayer Tax	Exempt Tax
Criminal Tax	3.6200	0.10	0.00
Assessment Dist.	2.8800	0.08	0.00
St. Mary Public Library Dist.	5.7200	0.17	0.00
St. Mary Public Library Bonds	0.3100	0.01	0.00
Consol. School Dist. #5	11.1700	0.32	0.00
Constitutional School Tax	8.3500	0.24	0.00
Consolidated School Dist. #1 Bonds	16.0000	0.46	0.00
Consolidated School Dist. #3 Maint.	12.0000	0.35	0.00
Consol. Gravity Drainage #1	7.8100	0.23	0.00
W. St. Mary Port Commission	3.7200	0.11	0.00
St Mary Levee District	5.0000	0.14	0.00
Law Enforcement Dist.	10.7100	0.31	0.00
Hospital Service Dist #1	12.9200	0.37	0.00
Timberland Fire Protection Fee	0.0000	0.19	0.00
TOTALS	100.2100	3.08	0.00

CITY

Millage	Mills	Taxpayer Tax	Exempt Tax
City of Franklin General	13.8200	0.40	0.00
City of Franklin Special	5.8200	0.17	0.00
TOTALS	19.6400	0.57	0.00

St. Mary Parish Assessor 2019 Assessment Listing

Parcel#

2234604017.00

View on Map (<http://atlas.geoportalmaps.com/stmary/q/Parcel?PIN=2234604017.00>)**Primary Owner**

NEW 90 LLC

Mailing Address

SHADY RETREAT NO 21

P O BOX 842

BATON ROUGE LA 70821-0000

Ward

12-Franklin

Type

REAL PROPERTY

Legal

67.66 AC POR BD ROAD - PUBLIC RD - ARLINGTON-
J W FOSTER SITUATED IN SEC 38 T15S R9E LYING
WEST OF U S 90 ALSO DESIGNATED AS POR J W
FOSTER TRACT PER PLAT 3N 42984
ACQ 184 303579

Physical Address

11665 HWY 90 W FRONTAGE RD

Parcel Items

Property Class	Assessed Value	Market Value	Units	Exempt
TIMBER LAND CLASS III	282	0	22.72	0
TIMBER LAND CLASS II	674	0	23.84	0
MISCELLANEOUS LAND	5,888	0	21.10	0
TOTAL	6,844	0	67.66	0

Deeds

Deed#	Type	Date	Amount	Book	Page
303579	Miscellaneous	3/20/2009	0	184	
234857	Miscellaneous	1/1/2000	0	34K	

Ownership History

Homestead?	Name	Primary?	% Ownership	% Tax	From	To	Address
NO	NEW 90 LLC	YES	100.0000	100.0000	3/20/2009		
NO	BAILEY FAIRFAX F SUCC OF	YES	68.7100	100.0000	1/1/1900	3/20/2009	
NO	FOSTER WILLIE P SUCC	NO	15.4800	0.0000	1/1/1900	3/20/2009	
NO	BAILEY JAMES J III	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	BAILEY P FOSTER	NO	5.2700	0.0000	1/1/1900	3/20/2009	
NO	NOLAND VIRGINIA B	NO	5.2700	0.0000	1/1/1900	3/20/2009	

<http://smpassessor.net/Details?parcelNumber=2234604017.00>
EXHIBIT 8

Locations

Subdivision	Block	Lot	Section	Township	Range	Tract
Ward Twelve Non-subdivision			38	15	9	

PARISH

Millage	Mills	Taxpayer Tax	Exempt Tax
Criminal Tax	3.6200	24.77	0.00
Assessment Dist.	2.8800	19.71	0.00
St. Mary Public Library Dist.	5.7200	39.15	0.00
St. Mary Public Library Bonds	0.3100	2.13	0.00
Consol. School Dist. #5	11.1700	76.45	0.00
Constitutional School Tax	8.3500	57.14	0.00
Consolidated School Dist. #1 Bonds	16.0000	109.50	0.00
Consolidated School Dist. #3 Maint.	12.0000	82.13	0.00
Consol. Gravity Drainage #1	7.8100	53.45	0.00
W. St. Mary Port Commission	3.7200	25.46	0.00
St Mary Levee District	5.0000	34.22	0.00
Law Enforcement Dist.	10.7100	73.30	0.00
Hospital Service Dist #1	12.9200	88.42	0.00
Timberland Fire Protection Fee	0.0000	3.73	0.00
TOTALS	100.2100	689.56	0.00

CITY

Millage	Mills	Taxpayer Tax	Exempt Tax
City of Franklin General	13.8200	94.58	0.00
City of Franklin Special	5.8200	39.83	0.00
TOTALS	19.6400	134.41	0.00