Supreme Court of Louisiana

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FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the **17th day of March, 2015**, are as follows:

PER CURIAM:

2014-C -1233 NELLIE PIERCE, ET AL. v. ATLANTIC RICHFIELD COMPANY, ET AL.
(Parish of Vermilion)

Accordingly, the lower courts judgments are reversed, and the case is remanded to the district court for further proceedings.
WEIMER, J., concurs, and assigns reasons.
GUIDRY, J., concurs and assigns reasons.

03/17/15

SUPREME COURT OF LOUISIANA

NO. 2014-C-1233

NELLIE PIERCE, ET AL.

VERSUS

ATLANTIC RICHFIELD COMPANY, ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
THIRD CIRCUIT, PARISH OF VERMILION

PER CURIAM

Because *Eagle Pipe & Supply, Inc. v. Amerada Hess Corp.*, 10-2267, 10-2275, 10-2279, 10-2289 (La. 10/25/11), 79 So. 3d 246, addressed subsequent purchaser rights following a sale, which are distinguishable from the rights acquired through a succession transfer, we find *Eagle Pipe* is not dispositive of the exceptions of no right of action filed by the defendants in this case. Accordingly, the lower court judgments are reversed, and the case is remanded to the district court for further proceedings.[1]

[1] Plaintiffs also included Nellie Pierce and Pierce Enterprises. The court of appeal concluded "[i]t is undisputed that neither Mrs. Pierce nor Pierce Enterprises have any ownership interest in any of the property at issue before the court." The parties limited their arguments to the rights of the Pierce children as "universal legatees." Therefore, the rights of Nellie Pierce and Pierce Enterprises are not at issue.

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PARISH OF VERMILION

WEIMER, J., concurring.

I concur in the result. See **Eagle Pipe and Supply, Inc. v. Amerada Hess Corp.**, 10-2267, 10-2275, 10-2279, 10-2289 (La. 10/25/11), 79 So.3d 246 (Weimer, J., dissenting at pp. 284-88, 291-93).

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GUIDRY, J., concurs and assigns reasons.

I concur in the result of our per curiam decision today. I write separately to point out that our reversal of the lower courts' rulings, because they relied on the subsequent purchaser doctrine as applied in *Eagle Pipe & Supply, Inc. v. Amerada Hess Corp.*, 10-2267, 10-2275, 10-2279, 10-2289 (La. 10/25/11), 79 So.3d 246, does not address the merits of any other basis for the defendants' exceptions or defenses, including extinguishment of the plaintiffs' claims by confusion and prescription or peremption.