

04/09/2020 "See News Release 012 for any Concurrences and/or Dissents."

The Supreme Court of the State of Louisiana

STEVE CROOKS AND ERA LEA CROOKS

No.2019-C-00160

VS.

**STATE OF LOUISIANA, DEPARTMENT OF
NATURAL RESOURCES**

IN RE: State of Louisiana, Department of Natural Resources - Applicant
Defendant; Applying for Rehearing, Parish of Rapides, 9th Judicial District Court
Number(s) 224,262, Court of Appeal, Third Circuit, Number(s) 17-750;

April 09, 2020

Application for rehearing granted in part. See per curiam.

BJJ

JLW

JDH

SJC

SMC

MEK

RWK

Genovese, J., recused.

Supreme Court of Louisiana
April 09, 2020

Clerk of Court
For the Court

04/09/2020

SUPREME COURT OF LOUISIANA

No. 2019-C-00160

STEVE CROOKS AND ERA LEA CROOKS

VS.

**STATE OF LOUISIANA, DEPARTMENT OF NATURAL
RESOURCES ON WRIT OF CERTIORARI TO THE COURT OF**

APPEAL,

THIRD CIRCUIT, PARISH OF RAPIDES

PER CURIAM* ** * ON REHEARING**

Plaintiffs/Respondents' Application for Rehearing is granted in part, solely for the purpose of correcting footnote 9 in the original opinion to read as follows:

The trial court also awarded the plaintiffs attorney fees, expert witness fees and costs, assessing seventy-five percent (75%) of these fees and costs against the State pursuant to La. R.S. 13:5111(A), and assessing twenty-five percent (25%) of the fees and costs against the common fund pursuant to La. Code Civ. P. art. 595. The court of appeal amended the trial court's judgment to assess one hundred percent (100%) of these awards against the common fund. *Crooks v. Department of Natural Resources*, 2017-750, p. 35-38 (La. App. 3 Cir. 12/28/18), 263 So. 3d 540, 565-67 (Amy, J., dissents). The award for those items is not at issue in this writ application.

In all other respects, Plaintiffs/Respondents' Application for Rehearing is denied.

The Application for Rehearing filed by Defendant/Applicant, the State of Louisiana, through the Louisiana Department of Natural Resources, is denied.

*Chief Judge Susan M Chehardy of the Court of Appeal Fifth Circuit, heard this case as Justice pro tempore, sitting in the vacant seat for District 1 of the Supreme Court. She is new appearing as an ad hoc for Justice William J Crain.

**Retired Judge Michael Kirby, appointed as Justice ad hoc, sitting for Justice Clark.

***Retired Judge Robert Kostelka appointed as Justice ad hoc sitting for Justice Genovese, recused.