

The Supreme Court of the State of Louisiana

WMH FARMS, LLC

No. 2026-C-00223

VS.

APACHE CORPORATION (OF
DELAWARE), ET AL.

IN RE: WMH Farms, LLC - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of Acadia, 15th Judicial District Court Number(s) C-202010389, Court of
Appeal, Third Circuit, Number(s) 25-305;

May 19, 2026

Writ application granted. See per curiam.

JDH

JBM

PDG

JMG

CRC

AHP

Weimer, C.J., dissents and would grant and docket.

Supreme Court of Louisiana

May 19, 2026



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2026-C-0223

WMH FARMS, LLC

VS.

APACHE CORPORATION (OF DELAWARE), ET AL.

*On Writ of Certiorari to the Court of Appeal, Third Circuit,
Parish of Acadia*

PER CURIAM.

In this writ application, the plaintiff landowner challenges the appellate jurisdiction of the court of appeal in connection with summary judgment “declaring that environmental damage exists on [plaintiff’s] [p]roperty and [defendant] JP Oil [Company, LLC] is legally responsible for environmental damage” in a remediation action under La. R.S. 30:29.

Appellate jurisdiction extends only to final judgments. See La. C.C.P. art. 2083. Final judgments “determine the merits in whole or in part.” La. C.C.P. art. 1841; **Quality Environmental Processes, Inc. v. Energy Dev. Corp.**, 16-0171, p. 6 (La. App. 1 Cir. 4/12/17), 218 So. 3d 1045, 1053. “[A] judgment that only partially determines the merits of an action is a partial final judgment and, as such, is immediately appealable only if authorized by La. C.C.P. art. 1915.” *Id.*

Section 29 sets out the procedure for evaluating claims for environmental damage to immovable property. See La. R.S. 30:29(A). The statute also addresses the method by which an award of remediation damages is implemented. See **State v. La. Land & Expl. Co.**, 12-884, pp. 15-16 (La. 1/30/13), 110 So. 3d 1038, 1049. The normal trial procedures established by the Code of Civil Procedure apply. See *Id.* The fact that nothing in Section 29 expressly precludes an appeal of plaintiff’s summary judgment is not determinative of appellate jurisdiction. Since this case

does not involve a motion for preliminary dismissal, La. R.S. 30:29(B)(6) does not preclude the application of summary judgment rules.

In an action under Section 29, a plaintiff must initially prove that environmental damage exists, causation, and legal responsibility. Unless a defendant admits responsibility or liability for “environmental damage,” all claims, including contractual or private claims, are determined by the finder of fact. **La. Land & Expl. Co.**, 12-884 at 18, 110 So. 3d at 1051. If the factfinder determines environmental damage exists and determines the party or parties who caused the damage or who are otherwise legally responsible for the damage, the court orders the responsible party to “develop a plan or submittal for the evaluation or remediation to applicable regulatory standards of the contamination that resulted in the environmental damage” to be submitted to the Department within 180 days of the determination of “legal responsibility.” *Id.*, 12-884 at 19, 110 So.3d at 1051-52 (citing La. R.S. 30:29(C)(1)). The legally responsible party must also deposit with the court “sufficient funds to pay the cost of the department’s review of the plans or submittals.” La. R.S. 30:29(C)(1). The plaintiff and any other party are allowed to submit remediation plans to the Department. *Id.* The Department is charged with determining a plan to evaluate or remediate the environmental damage. See *Id.* The Department’s decision in this regard is not subject to appellate review. See La. R.S. 30:29(C)(4). Rather, the Department-approved plan must be filed with the district court for consideration. See La. R.S. 30:29(C)(2)(b). “Upon adoption of a plan, the court shall order the party or parties ... found legally responsible by the court to fund the implementation of the plan.” La. R.S. 30:29(C)(5). “Any judgment adopting a plan of evaluation or remediation ... and ordering the party or parties ... found legally responsible by the court to deposit funds from the implementation thereof into the registry of the court pursuant to this Section shall be considered a final judgment

pursuant to the Code of Civil Procedure Article 2081 et seq., for purposes of appeal.”

La. R.S. 30:29(C)(6)(a).

In addition to determining the existence of environmental damages and legal responsibility, the judgment in the instant case referred the matter to the Department “for the development of a plan(s) to evaluate and, if necessary, remediate the environmental damage” in accordance with La. R.S. 30:29(C)(1). Clearly, the instant judgment does not involve the adoption of a Department-approved plan by the district court; therefore, it is not a final judgment as contemplated by La. R.S. 30:29(C)(6)(a).

Defendant argues that plaintiff’s summary judgment is a declaratory judgment within the Declaratory Judgment Act (La. C.C.P. art. 1871 *et seq.*) because it declared that defendant is legally responsible for environmental damage to plaintiff’s property. According to defendant, as a declaratory judgment, plaintiff’s judgment is immediately appealable. Article 1871 provides:

Courts of record within their respective jurisdictions may declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for; and the existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The declaration shall have the force and effect of a final judgment or decree.

Regarding declaratory judgments, the appellate court in **Ehlenberger v. Guardian Medical Group, LLC** stated:

The declaratory judgment action is designed to provide a means for adjudication of cases involving an actual controversy that has not yet reached a stage where either party can seek a coercive remedy. **Chauvet v. City of Westwego**, 599 So. 2d 294, 296 (La. 1992). In cases where it is appropriate, a court may declare the rights of parties in order to terminate an actual controversy even if further relief is, or could, be claimed. *Id.* Generally, the purpose of a declaratory judgment pursuant to La. C.C.P. arts. 1871 et seq., is simply to establish the rights of the parties or to express the opinion of the court on a question of law without ordering anything to be done. **Schmill v. St. Charles Par.**, 96-894 (La. App. 5 Cir. 3/12/97), 692 So. 2d 1161, 1166. When a proceeding on a declaratory judgment involves the determination of an issue of fact, the declaratory judgment can be

rendered only after holding a trial on the merits where each party has an opportunity to present evidence in a form other than verified pleadings and affidavits. **Reyes v. S. Env'tl. of LA**, 13-380 (La. App. 5 Cir. 12/19/13), 131 So. 3d 450, 454; La. C.C.P. art. 1879. The declaration has the force and effect of a final judgment or decree. La. C.C.P. art. 1871.

Id., 19-446, pp. 2-3 (La. App. 5 Cir. 5/29/20), 298 So. 3d 375, 377-78.

Plaintiff's summary judgment "declare[s] that environmental damage exists on [plaintiff's] [p]roperty and [defendant] is legally responsible for environmental damage under [La. R.S.] 30:29," and arguably under both La. C.C.P. art. 1871 and La. C.C.P. art. 1841, should be considered a final judgment that resolves a dispute at the heart of plaintiff's original claim. However, because the judgment does not determine the merits of the parties' dispute under Section 29 in whole, and resolves only several issues in this case, it is only a partial final judgment.¹

The procedure for appeals from partial final judgments is governed by La. C.C.P. art. 1915,² which then provided:

A. A final judgment may be rendered and signed by the court, even though it may not grant the successful party or parties all of the relief prayed for, or may not adjudicate all of the issues in the case, when the court:

(1) Dismisses the suit as to less than all of the parties, defendants, third party plaintiffs, third party defendants, or intervenors.

(2) Grants a motion for judgment on the pleadings, as provided by Articles 965, 968, and 969.

¹ A declaratory judgment that only partially determined the merits is a partial final judgment, which may only be appealed under the provisions of Article 1915. See **Ehlenberger**, 19-446 at 4-5, 298 So.3d at 379-80.

² Article 1915 was amended by 2025 La. Acts 250, § 3. The pre-amendment version of Article 1915 applies in this case. The 2025 Comment (a) to Article 1915 states:

These amendments largely restore the Article to its pre-1997 form. The revisions remove from Paragraph B of this Article the authority of the trial court to designate a judgment as final and appealable after an express determination that there is no just reason for delay. As a result, Paragraph A of this Article now provides a list of judgments from which an appeal may be taken. This change seeks to remove uncertainty as to whether an appeal or a supervisory writ should be taken from a judgment that does not grant the successful party or parties all of the relief prayed for or may not adjudicate all of the issues in the case.

(3) Grants a motion for summary judgment, as provided by Articles 966 through 969, but not including a summary judgment granted pursuant to Article 966(E).^{3]}

(4) Signs a judgment on either the principal or incidental demand, when the two have been tried separately, as provided by Article 1038.

(5) Signs a judgment on the issue of liability when that issue has been tried separately by the court, or when, in a jury trial, the issue of liability has been tried before a jury and the issue of damages is to be tried before a different jury.

(6) Imposes sanctions or disciplinary action pursuant to Article 191, 863, or 864 or Code of Evidence Article 510(G).

B. (1) When a court renders a partial judgment or partial summary judgment or sustains an exception in part, as to one or more but less than all of the claims, demands, issues, or theories against a party, whether in an original demand, reconventional demand, cross-claim, third-party claim, or intervention, the judgment shall not constitute a final judgment unless it is designated as a final judgment by the court after an express determination that there is no just reason for delay.

(2) In the absence of such a determination and designation, any such order or decision shall not constitute a final judgment for the purpose of an immediate appeal and may be revised at any time prior to rendition of the judgment adjudicating all the claims and the rights and liabilities of all the parties.

C. If an appeal is taken from any judgment rendered under the provisions of this Article, the trial court shall retain jurisdiction to adjudicate the remaining issues in the case.

Concerning the interplay between Articles 1915 and 1871, the **Ehlenberger** court observed:

that a declaratory judgment rendered by the trial court during the course of an ongoing suit was not immediately appealable because the trial court failed to designate that partial judgment as final as required by La. C.C.P. art. 1915(B). **Hodgins v. Hodgins**, 98-1009 (La. App. 5 Cir. 1/26/99), 726 So. 2d 466, 468.

Id., 19-446 at 4-5, 298 So. 3d at 379. Generally, “declaratory judgment proceedings cannot be used merely to try issues ... involved in a pending case,” as such questions

³ According to La. C.C.P. 966(E), “[a] summary judgment may be rendered dispositive of a particular issue, theory of recovery, cause of action, or defense, in favor of one or more parties, even though the granting of the summary judgment does not dispose of the entire case as to that party or parties.”

do “not come within the letter, reason, or spirit of the Declaratory Judgment Act.” **Tyler v. Grantham**, 26,678, p. 1 (La. App. 2 Cir. 7/21/94), 641 So. 2d 632, 633 (citing 26 C.J.S. Declaratory Judgments, Sec. 40 and 135 A.L.R. 934). “Thus, while the provisions of LSA-C.C.P. Art. 1871 state that the existence of another adequate remedy does not preclude a judgment for declaratory relief *in cases where it is appropriate*,⁴ it does not follow that declaratory relief is appropriate in instances where there exists another more appropriate remedy.” *Id.* This reasoning is supported by La. C.C.P. art. 1876, which states a “court may refuse to render a declaratory judgment or decree where such judgment or decree, if rendered, would not terminate the uncertainty or controversy giving rise to the proceeding.” **Ehlenberger**, 19-446 at 5, 298 So. 3d at 379. For these reasons, this court agrees with plaintiff that the district court’s partial judgment under La. C.C.P. art. 966(E) was not transformed into a declaratory judgment simply because the trial court “declare[d]” that there is no genuine issue of material fact as to whether environmental damage exists and legal responsibility.

Under Article 1915, a judgment that adjudicates fewer than all of the party’s claims, even one that determines *in toto* issues of liability, is appealable only if it is expressly addressed by La. C.C.P. art. 1915(A) or the judgment is certified by the trial court as final and immediately appealable pursuant to La. C.C.P. art. 1915(B). See **R.J. Messinger, Inc. v. Rosenblum**, 04-1664., p. 4 (La. 3/2/05), 894 So. 2d 1113, 1116. The judgment at issue here determines only that environmental damage existed and the legal responsibility for that damage and clearly contemplates future

⁴ Accordingly, La. C.C.P. art. 1875 provides that “[t]he enumeration in Articles 1872 through 1874 does not limit or restrict the exercise of the general powers conferred in Article 1871 in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.” Therefore, if a district court grants a declaratory relief, La. C.C.P. art. 1878(A) indicates that further relief may be granted whenever “necessary or proper.”

proceedings before the Department and the district court.⁵ Therefore, it is a partial final judgment invoked pursuant to La. C.C.P. art. 966(E) that required an Article 1915(B) designation to be appealable. See La. C.C.P. art. 1915(A)(3); **Sweet Lake Land & Oil Co., LLC**, 21-169, p. 16 (La. App. 3 Cir. 12/1/21), 362 So. 3d 486, 499-500), writ granted in part on other grounds and remanded, 22-00497 (La. 9/20/22), 345 So. 3d 1022; **Henry v. Reeves**, 19-550, 19-456, p. 6 (La. App 5 Cir. 4/28/20), 296 So. 3d 1076, 1081 (“the trial court’s ... judgment granting [plaintiff’s] motion for partial summary judgment on the issue of liability was issued pursuant to La. C.C.P. art. 966(E), and because there is no express designation of finality pursuant to La. C.C.P. art. 1915(B), the judgment is not appealable and this Court lacks jurisdiction as to defendants’ appeal.”). Defendant’s failure to have the judgment designated as final and appealable is fatal to its appellate jurisdiction argument. In the absence of such designation, defendant’s appeal should have been dismissed, as the court of appeal lacked appellate jurisdiction.

The appellate court incorrectly found “that not allowing a defendant to appeal a summary judgment would remove the ultimate determination of environmental damage and the liable party from the courts, which is contrary to the legislature’s intent that the claims are to be resolved by the judiciary” and would deprive a defendant of his right to a trial by jury, in the event the trial court erred in granting summary judgment. **WMH Farms, LLC v. Apache Corp.**, 25-305, pp. 5-6 (La. App. 3 Cir. 1/28/26), 429 So. 3d 832, 837-38. As previously recognized, Section 29(C)(6)(a) specifically provides that a district court judgment adopting an evaluation and/or remediation plan “shall be considered a final judgment pursuant

⁵ As previously indicated, the judgment referred this matter to the Department “for the development of a plan(s) to evaluate and, if necessary, remediate the environmental damage” in accordance with La. R.S. 30:29(C)(1). The district court retained “jurisdiction over any funds deposited into the Court registry and the party or parties admitting responsibility or the party or parties found legally responsible by the court until such time as the evaluation or remediation is completed.”

to the Code of Civil Procedure Article 2081 et seq., for purposes of appeal.” Because such judgment is legislatively designated as a “final judgment,” any preceding interlocutory order in the case (including plaintiff’s summary judgment at issue here) may be considered in the appeal of that judgment. See **People of Living God v. Chantilly Corp.**, 251 La. 943, 947-48, 207 So. 2d 752, 753 (La. 1968). Notably, supervisory review of plaintiff’s partial judgment could have possibly obtained by the timely filing of a writ application or by conversion of an improperly filed appeal that was filed within the delay for filing a writ application. See **Saucier v. Waterfront E. Homeowner’s Ass’n**, 24-0980, p. 3 (La. App. 1 Cir. 2/28/25), 406 So. 3d 1260, 1262 (“[w]hen a party improperly appeals a non-appealable interlocutory judgment, this Court has discretion to convert that appeal to an application for supervisory writs” but “may only do so if the appeal would have been timely had it been filed as a supervisory writ application.”).

The appellate court’s decision is vacated, the district court’s judgment is reinstated, and the matter is remanded to the district court for further proceedings.

WRIT GRANTED; VACATED; SUMMARY JUDGMENT REINSTATED; REMANDED.