

# FIFTH CIRCUIT UPDATE

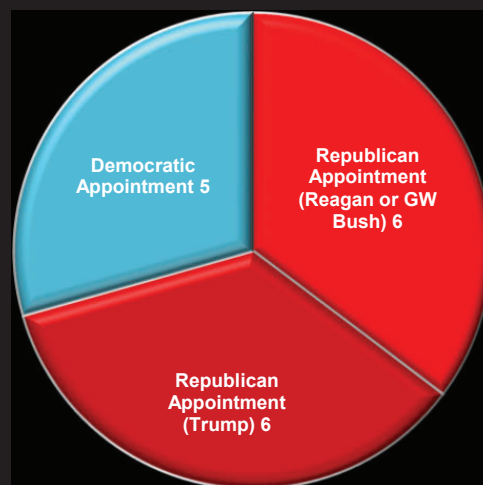
**DAVID S. COALE**

29<sup>th</sup> Annual Conference on State and Federal Appeals  
University of Texas School of Law  
Austin, Texas  
June 21, 2019

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## Fifth Circuit Active Judges 2019 (Assuming Confirmation of Hon. Sul Ozerden)



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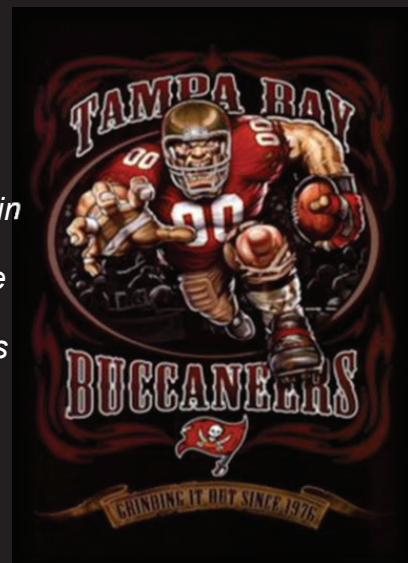
# PUBLIC ACCESS

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*BP Exploration & Production v. Claimant ID 100246928,*  
920 F.3d 209 (5th Cir. 2019)

*“As its right, Claimant ID 100246928 has used the federal courts in its attempt to obtain millions of dollars it believes BP owes because of the oil spill. But it should not be able to benefit from this public resource while treating it like a private tribunal when there is no good reason to do so. **On Monday, the public will be able to access the courtroom it pays for.**”*



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# ARBITRATION

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*Papalote Creek II v. Lower Colorado River Auth.*,  
918 F.3d 450 (5th Cir. 2019)

**Clause:** “. . .if any dispute arises with respect to either Party’s **performance**.”

**Dispute:** “. . . a dispute related to the **interpretation** of the Agreement, not a performance-related dispute....”



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29<sup>th</sup> Annual Conference on State and Federal Appeals session  
"U.S. Fifth Circuit Update"