

FIFTH CIRCUIT UPDATE

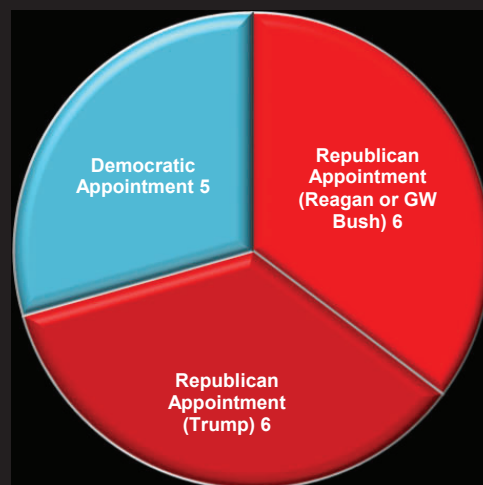
DAVID S. COALE

29th 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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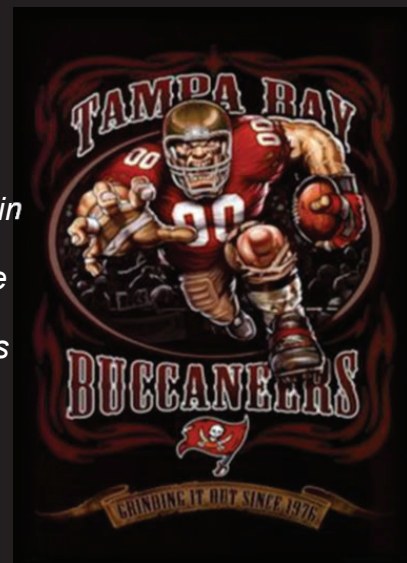
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BP Exploration & Production v. Claimant ID 100246928,
920 F.3d 209 (5th Cir. 2019)

*“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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First appeared as part of the conference materials for the
29th Annual Conference on State and Federal Appeals session
"U.S. Fifth Circuit Update"