

## Headline News

### Fifth Circuit Victory for Port of Houston

February 3, 2004

**HOUSTON** -- On January 30, 2004, a three judge panel of the Fifth Circuit Court of Appeals issued a unanimous opinion in *Air Liquide, et al. v. U.S. Army Corps of Engineers, et al.*, in favor of the Port of Houston Authority. At issue was more than \$100 million in costs associated with relocating pipelines to accommodate the deepening and widening of the Houston Ship Channel. Pipeline owners for various chemical and petroleum companies had filed suit in 1998 to require the Port of Houston Authority to pay for the relocation of their privately owned pipelines in the Houston Ship Channel. The Port of Houston Authority argued that the relocation was mandated by the United States Corp of Engineers as part of the deepening and widening project and that federal law required the pipeline owners to bear the costs of relocation.

In 2002, a summary judgment was entered in favor of the pipeline owners, holding that the Port Authority was responsible for the relocation costs. On January 30, the Fifth Circuit vacated the district court's order and rendered judgment for the Port of Houston Authority, holding that the pipeline owners were solely responsible.

Lawyers representing the Port of Houston include the Andrews Kurth LLP team of Richard Caldwell, Dillon Ferguson, Gene Locke, Charles Hampton and Greg Waller. Co-counsel from Smyser, Kaplan & Veselka, L.L.P. include Larry Veselka and Craig Smyser.

Andrews Kurth LLP, founded in 1902, has more than 400 lawyers and eight offices in Austin, Dallas, Houston, London, Los Angeles, New York, The Woodlands and Washington, DC. The firm has an international client base and has experience in all major industries and areas of business law.