



Louisiana Supreme Court: Bayou Bridge Pipeline Company Must Pay Attorneys' Fees for Violating Landowners' Rights

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May 13, 2021, New Orleans, LA – Today, the Louisiana Supreme Court ruled that Bayou Bridge Pipeline (BBP) must pay three landowners' attorneys' fees in addition to the \$10,000 in damages awarded by a lower court for BBP's violation of their due process rights when the corporation constructed an oil pipeline across their property before acquiring the legal rights to do so. The court held for the first time that the Louisiana Constitution permits an award of attorneys' fees and litigation costs as part of the just compensation due to landowners in eminent domain proceedings.

"The Supreme Court's ruling confirms that landowners can prevail against a pipeline company in Louisiana because the constitution is on our side," said **landowner Peter Aaslestad**. "I hope our victory today will encourage more landowners to engage in the legal process to protect their property and the natural resources of the state of Louisiana."

Landowner Theda Larson Wright said, "I am so pleased with today's ruling. I hope that by serving to break down financial barriers to the courtroom it offers encouragement for other landowners in our situation to stand up for their rights."

BBP had appealed a lower appellate court's award of attorneys' fees, arguing that the statute the appellate court relied upon only applied to state entities. The Louisiana Supreme Court affirmed the lower court's award of fees but found in a precedent-setting ruling that it was authorized by the Louisiana Constitution, not the statute relied on by the lower court.

"Today's ruling recognizes the supremacy of the Louisiana Constitution and the constitutionally protected rights of landowners to recover to the full extent of their loss in takings cases, whether the state or a private entity like BBP exercises eminent

domain authority,” said **Misha Mitchell, co-counsel for the landowners** who worked with Peter Aaslestad to enjoin unlawful construction on the property prior to the expropriation filing.”

BBP is a joint venture of Energy Transfer Partners (ETP), the company behind the controversial Dakota Access Pipeline (DAPL) in North Dakota, and Phillips 66. The Bayou Bridge Pipeline is the tail end of the network of pipelines that includes the DAPL, spanning 162.5 miles across southern Louisiana, including wetlands and the Atchafalaya Basin, the country’s largest river swamp, containing old growth trees and many endangered species.

“We are heartened by the court’s ruling as further vindication for our clients who took this giant corporation to task for blatantly violating their rights,” said **Pam Spees, senior staff attorney at the Center for Constitutional Rights** and one of the attorneys for the landowners. “We hope it helps other small property owners in Louisiana stand up to this kind of abusive behavior and encourages other lawyers to help them.”

The landowners, Peter Aaslestad, Katherine Aaslestad, and Theda Larson Wright, challenged BBP’s power to expropriate their land and filed counterclaims for trespass and violations of their constitutional rights. The Third Circuit Court of Appeal ruled that BBP violated the land owners’ rights to due process and noted that “BBP’s conduct clearly shows no fear of the consequences of trampling on property owner’s constitutionally protected due process rights.” The trial court had previously awarded landowners only \$75 in damages for BBP’s trespass.

The landowners are represented by Pam Spees at the Center for Constitutional Rights, Misha Mitchell at Atchafalaya Basinkeeper, and Bill Quigley.

For more information, **[visit the Center for Constitutional Rights’ case page.](#)**

*Atchafalaya Basinkeeper works to protect and restore the Atchafalaya Basin for future generations. Learn more about ABK at **basinkeeper.org**. Follow ABK on social media: **[Atchafalaya Basinkeeper](#)** on Facebook, and **[atchafalayabasinkeeper](#)** on Instagram.*

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