

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-C-280

ANGEL CLINE

versus

BP PRODUCTS NORTH AMERICA, INC., ET AL.

IN RE OFS, INC.

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JUNE B. DARENSBURG, DIVISION "C", No. 836-747

TRUE COPY

June 25, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
John J. Molaison, Jr., and Scott U. Schlegel

WRIT DENIED

OFS, Inc. (OFS) seeks review of the May 29, 2026 judgment that denied its motion for summary judgment. After conducting a *de novo* review, we deny this writ application.

FACTS AND RELEVANT PROCEDURAL HISTORY

Angel Cline, the surviving spouse of William Cline, filed suit against OFS, a pipe cleaning contractor, alleging that the decedent died from pancreatic cancer caused by exposure to naturally occurring radioactive material (NORM) while working at pipe yards where OFS cleaned used pipes. Ms. Cline alleged the decedent was exposed to NORM that accumulated in the ground and in the air and from the inhalation and ingestion of aerosolized dust. OFS filed a

motion for summary judgment, arguing that Ms. Cline cannot prove the decedent was exposed to NORM from its operations. Specifically, OFS contends there is no evidence that it conducted any pipe cleaning operations at the facilities where the decedent worked during the decedent's employment. OFS argues that Ms. Cline does not attribute any exposure to radiation by the decedent to OFS.

In opposition to OFS's motion, Ms. Cline argued that OFS conducted pipe cleaning operations at the facilities where the decedent worked, specifically the Tuboscope Yard, for decades prior to the decedent's presence, causing the yard to become contaminated with radiation. Ms. Cline argues that there is a material issue of fact as to whether OFS's operations contributed to the decedent's exposure to radiation.

LAW AND DISCUSSION

Appellate courts review summary judgment rulings *de novo*, using the same criteria that govern the trial court's determination of whether summary judgment is appropriate. *Millet v. Moran Foods, L.L.C.*, 23-227 (La. App. 5 Cir. 3/13/24), 384 So.3d 1074, 1076. A court shall grant a motion for summary judgment if the motion, memorandum, and supporting documents show there is no genuine issue as to material fact and the mover is entitled to judgment as a matter of law. La. C.C.P. art. 966(A)(3). Summary judgment is not appropriate where the trier of fact must weigh conflicting evidence to reach a conclusion upon which reasonable people could differ. *Warden v. Richoux*, 06-702 (La. App. 5 Cir. 2/27/07), 952 So.2d 828, 832, *writ denied*, 07-918 (La. 6/22/07), 959 So.2d 499.

In its motion for summary judgment, OFS argued that there is no evidence that OFS cleaned any pipes at Tuboscope during the decedent's employment

between 2002 and 2012. OFS points out that Ms. Cline did not seek any discovery from OFS and did not issue any expert reports attributing any exposure or dose to the decedent arising out of OFS's operations. However, OFS's position ignores the testimony and affidavit of the decedent's coworker, Hodges Thierry, and the affidavit of Lester Drennen that were submitted in opposition to the motion for summary judgment.

Mr. Thierry testified that OFS cleaned used pipes at the Tuboscope yard prior to and after 2002. The decedent was employed as a forklift operator at Tuboscope beginning in 2002. Mr. Thierry testified that he performed radiation testing at the Tuboscope yard as part of his job as a radiation safety officer. NORM contamination was found in areas of the Tuboscope yard where Mr. Thierry had observed OFS conducting pipe cleaning. Mr. Thierry testified that the ground of this yard was contaminated with radioactive substances caused by pipe cleaning operations that produced NORM. The ground of this yard was contaminated to such an extent that it had to be remediated several times over several years. The remediation consisted of removing up to 18 inches of contaminated ground.

Mr. Thierry testified that as part of the decedent's job as a forklift operator, the decedent worked in all areas of the Tuboscope yard. There was a lot of dust in the air at the yard caused by trucks and forklifts driving around the yard. The employees inhaled this dust.

In further support of her position that OFS's operations substantially contributed to the decedent's exposure to NORM, Ms. Cline points to the affidavit of Lester Drennen. Mr. Drennen was present at the Tuboscope yard from 1973 to 1995 as part of his job with various employers. Mr. Drennen attested that during those years, OFS regularly cleaned scale from used pipe at

the Tuboscope yard. The scale accumulated on the ground of the yard in significant amounts.

Our *de novo* review of the motion for summary judgment shows that a genuine issue of material fact exists as to whether the operations performed by OFS substantially contributed to the decedent's cancer and death.

CONCLUSION

For these reasons, we deny the writ application.

Gretna, Louisiana, this 25th day of June, 2026.

**JJM
FHW
SUS**

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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FIRST DEPUTY CLERK

MELISSA C. LEDET
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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **06/25/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-C-280

E-NOTIFIED

24th Judicial District Court (Clerk)

Honorable June B. Darensburg (DISTRICT JUDGE)

Timothy J. Falcon (Respondent)

Michael R. Phillips (Respondent)

Louis M. Grossman (Respondent)

R. A. Osborn, Jr. (Relator)

Jeremiah A. Sprague (Respondent)

Jarrett S. Falcon (Respondent)

Michael A. Levatino, Jr. (Respondent)

MAILED

Brennan L. Falcon (Respondent)

Cameron J. Falcon (Respondent)

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