

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DEL CORPORATION,

Plaintiff,

v.

J&J TAMEZ LLC,

Defendant.

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Civil Action No. 2:24-cv-181

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DEL CORPORATION (“Plaintiff” or “DEL”), by its attorneys, for its Complaint against Defendant J&J TAMEZ LLC (“Defendant” or “J&J Tamez”), alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent No. 11,634,953, United States Patent No. 11,326,406, and United States Patent No. 10,751,654, (collectively referred to as the “DEL Patents”) in violation of 35 U.S.C. §100 *et seq.* arising from J&J Tamez’s unauthorized manufacture, use, and commercialization of flowback separation systems, known as “SandDevils” (the “Accused SandDevils” or the “Accused Products”), that practice the invention(s) disclosed and claimed in the DEL Patents.

PARTIES

2. DEL is a corporation organized and existing under the laws of the State of Louisiana, having a principal place of business at 436 HWY 93, Scott, Louisiana 70583.

3. On information and belief, J&J Tamez is a limited liability company organized and existing under the laws of the State of Texas, having a principal place of business at 1901 N Clarkwood Rd, Corpus Christi, Texas 78409.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patent infringement).

5. This Court has personal jurisdiction over J&J Tamez because, among other things, J&J Tamez has purposefully availed itself of the rights and benefits of the laws of the State of Texas by engaging in systematic and continuous contacts with the state such that it should reasonably anticipate being hauled into court here. For example, J&J Tamez is registered to conduct business in Texas under Filing Number 802551903 and has a regular and established place of business at 1901 N Clarkwood Rd, Corpus Christi, Texas 78409. Additionally, this Court has personal jurisdiction over J&J Tamez because J&J Tamez, on information and belief, has purposefully availed itself of the rights and benefits of the laws of the State of Texas by engaging in acts of infringement of the DEL Patents by manufacturing, using, offering for rental or sale, and/or renting or selling the Accused SandDevils in Texas and in this district.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b). On information and belief, J&J Tamez resides in this district at 1901 N Clarkwood Rd, Corpus Christi, Texas 78409, has committed acts of infringement of the DEL Patents in this district by manufacturing, using, offering for rental or sale, and/or renting or selling the Accused SandDevils, and has a regular and established place of business in this district at 1901 N Clarkwood Rd, Corpus Christi, Texas 78409.

BACKGROUND AND GENERAL ALLEGATIONS

7. DEL is in the business of designing, manufacturing, and selling of customized tank systems and equipment for a variety of applications including dredging, dewatering, solids separation (including flowback operations), solids control, and solids handling.

8. DEL conceived and developed a proprietary flowback separation system capable of separating gas, liquid, and solids known as the Sandcat™ System, which is the subject of the DEL Patents, as follows:

- a. U.S. Patent No. 11,634,953 (the “953 Patent”), titled “Flow Back Separation System and Method,” duly and legally issued by the U.S. Patent and Trademark Office on April 25, 2023, a copy of which is attached as Exhibit A;
- b. U.S. Patent No. 11,326,406 (the “406 Patent”), titled “Flow Back Separation System and Method,” duly and legally issued by the U.S. Patent and Trademark Office on May 10, 2022, a copy of which is attached as Exhibit B; and
- c. U.S. Patent No. 10,751,654 (the “654 Patent”), titled “Flow Back Separation System and Method,” duly and legally issued by the U.S. Patent and Trademark Office on August 25, 2020, a copy of which is attached as Exhibit C.

9. DEL is the owner of the entire right, title, and interest in the DEL Patents by assignment and possesses the right to sue for and obtain equitable relief and damages for infringement of the DEL Patents.

10. DEL has complied with the patent marking requirements set forth in 35 U.S.C. § 287 for the DEL Patents.

DEFENDANT’S INFRINGING ACTIVITIES

11. On information and belief, J&J Tamez has been and continues to directly infringe, induce infringement by others, and/or contributorily infringe the DEL Patents by making, using,

selling, and offering for sale in this judicial district and/or otherwise within the United States, and/or importing into the United States the Accused SandDevils embodying the invention defined by one or more claims of the DEL Patents. More particularly, on information and belief and after a reasonable investigation, J&J Tamez has infringed and continues to infringe at least claim 1 of each of the DEL Patents because the Accused SandDevils include every limitation of claim 1 of each of the DEL Patents.

12. Claim 1 of the '953 Patent recites (wherein the bracketed letter/numbers are included for ease of reference):

[P]	1. A system for separating solids from a slurry recovered from a hydrocarbon well, comprising:
[1]	a tank having side walls, a bottom, and a top, the tank having a front section, a mid-section, and a rear section;
[2]	a degassing unit operatively associated with the tank, the degassing unit removing an entrained gas from the slurry and discharging a first slurry into the tank whereby a first settling of a first solids within the first slurry takes place;
[3]	a conveying device operatively positioned within the tank, the conveying device configured to cause the first solids to move proximate to an inlet of a first conduit operatively positioned within the tank;
[4]	a pump in fluid communication with the first conduit, the pump configured to pump a second slurry containing the first solids through the first conduit;
[5]	a hydrocyclone unit in fluid communication with an outlet of the first conduit, the hydrocyclone unit receiving and processing the second slurry to produce an overflow comprising a first clean fluid and an underflow comprising the first solids;
[6]	a shaker operatively associated with the hydrocyclone unit, the shaker configured to receive the underflow from the hydrocyclone unit and to cause a dewatering of the first solids to produce a dried first solids, the shaker further configured to convey the dried first solids for disposal or reuse, the shaker

	producing an underflow comprising a third slurry comprising a second solids, the shaker configured for depositing the third slurry into the tank for recirculation through the first conduit to the hydrocyclone unit;
[7]	a second conduit having an inlet and an outlet, the inlet of the second conduit in operative association with the hydrocyclone unit to receive and provide a flow path for the overflow comprising the first clean fluid, the outlet of the second conduit operatively positioned within the tank for discharge of the overflow comprising the first clean fluid therein; and
[8]	an overflow device operatively positioned within the tank, the overflow device configured to provide an outlet for the first clean fluid to exit the tank.

13. The Accused SandDevils include a tank having side walls, a bottom, and a top, the tank having a front section, a mid-section, and a rear section, all of which corresponds to element [1] as recited in Claim 1 of the '953 Patent. *See Exhibit A.*

14. The Accused SandDevils include a degassing unit operatively associated with the tank, the degassing unit removing an entrained gas from the slurry and discharging a first slurry into the tank whereby a first settling of a first solids within the first slurry takes place, all of which corresponds to element [2] as recited in Claim 1 of the '953 Patent. *See Exhibits D and E.*

15. On information and belief, after reasonable investigation, the Accused SandDevils include a conveying device operatively positioned within the tank, the conveying device configured to cause the first solids to move proximate to an inlet of a first conduit operatively positioned within the tank, all of which corresponds to element [3] as recited in Claim 1 of the '953 Patent. *See Exhibit D.*

16. The Accused SandDevils include a pump in fluid communication with the first conduit, the pump configured to pump a second slurry containing the first solids through the first

conduit, all of which corresponds to element [4] as recited in Claim 1 of the '953 Patent. *See* Exhibit D.

17. The Accused SandDevils include a hydrocyclone unit in fluid communication with an outlet of the first conduit, the hydrocyclone unit receiving and processing the second slurry to produce an overflow comprising a first clean fluid and an underflow comprising the first solids, all of which corresponds to element [5] as recited in Claim 1 of the '953 Patent. *See* Exhibits D and F.

18. The Accused SandDevils include a shaker operatively associated with the hydrocyclone unit, the shaker configured to receive the underflow from the hydrocyclone unit and to cause a dewatering of the first solids to produce a dried first solids, the shaker further configured to convey the dried first solids for disposal or reuse, the shaker producing an underflow comprising a third slurry comprising a second solids, the shaker configured for depositing the third slurry into the tank for recirculation through the first conduit to the hydrocyclone unit, all of which corresponds to element [6] as recited in Claim 1 of the '953 Patent. *See* Exhibits D and F.

19. The Accused SandDevils include a second conduit having an inlet and an outlet, the inlet of the second conduit in operative association with the hydrocyclone unit to receive and provide a flow path for the overflow comprising the first clean fluid, the outlet of the second conduit operatively positioned within the tank for discharge of the overflow comprising the first clean fluid therein, all of which corresponds to element [7] as recited in Claim 1 of the '953 Patent. *See* Exhibits D and E.

20. The Accused SandDevils include an overflow device operatively positioned within the tank, the overflow device configured to provide an outlet for the first clean fluid to exit the

tank, all of which corresponds to element [8] as recited in Claim 1 of the '953 Patent. *See* Exhibit D.

21. Claim 1 of the '406 Patent recites (wherein the bracketed letter/numbers are included for ease of reference):

[P]	1. A system for separating solids from a slurry recovered from a hydrocarbon well, comprising:
[1]	a tank having sloping side walls, a bottom, and a top, the tank having a front section, a mid-section, and a rear section;
[2]	one or more degassing units operatively associated with the tank, the one or more degassing units removing an entrained gas from the slurry and discharging a first slurry into the tank whereby a first settling of a first solids within the first slurry takes place;
[3]	a conveying device operatively positioned on the bottom of the tank, the conveying device configured to cause the first solids to move proximate to an inlet of a first conduit operatively positioned within the tank;
[4]	a pump in fluid communication with the first conduit, the pump configured to pump a second slurry containing the first solids through the first conduit;
[5]	one or more hydrocyclone units in fluid communication with an outlet of the first conduit, the one or more hydrocyclone units receiving and processing the second slurry to produce an overflow comprising a first clean fluid and an underflow comprising the first solids;
[6]	a shaker operatively positioned underneath the one or more hydrocyclone units, the shaker configured to receive the underflow from the one or more hydrocyclone units and to cause a dewatering of the first solids to produce a dried first solids, the shaker further configured to convey the dried first solids for disposal or reuse, the shaker producing an underflow comprising a third slurry comprising a second solids, the shaker configured for depositing the third slurry into the tank for recirculation through the first conduit to the one or more hydrocyclone units;

[7]	a second conduit having an inlet and an outlet, the inlet of the second conduit in operative association with the one or more hydrocyclones to receive and provide a flow path for the overflow comprising the first clean fluid, the outlet of the second conduit operatively positioned within the tank for discharge of the overflow comprising the first clean fluid therein; and
[8]	an overflow device operatively positioned within the tank, the overflow device configured to provide an outlet for the first clean fluid to exit the tank.

22. The Accused SandDeviIs include a tank having sloping side walls, a bottom, and a top, the tank having a front section, a mid-section, and a rear section, all of which corresponds to element [1] as recited in Claim 1 of the '406 Patent. *See* Exhibit D.

23. The Accused SandDeviIs include one or more degassing units operatively associated with the tank, the one or more degassing units removing an entrained gas from the slurry and discharging a first slurry into the tank whereby a first settling of a first solids within the first slurry takes place, all of which corresponds to element [2] as recited in Claim 1 of the '406 Patent. *See* Exhibits D and E.

24. On information and belief, after reasonable investigation, the Accused SandDeviIs include a conveying device operatively positioned on the bottom of the tank, the conveying device configured to cause the first solids to move proximate to an inlet of a first conduit operatively positioned within the tank, all of which corresponds to element [3] as recited in Claim 1 of the '406 Patent. *See* Exhibit D.

25. The Accused SandDeviIs include a pump in fluid communication with the first conduit, the pump configured to pump a second slurry containing the first solids through the first conduit, all of which corresponds to element [4] as recited in Claim 1 of the '406 Patent. *See* Exhibit D.

26. The Accused SandDevils include one or more hydrocyclone units in fluid communication with an outlet of the first conduit, the one or more hydrocyclone units receiving and processing the second slurry to produce an overflow comprising a first clean fluid and an underflow comprising the first solids, all of which corresponds to element [5] as recited in Claim 1 of the '406 Patent. *See Exhibits D and F.*

27. The Accused SandDevils include a shaker operatively positioned underneath the one or more hydrocyclone units, the shaker configured to receive the underflow from the one or more hydrocyclone units and to cause a dewatering of the first solids to produce a dried first solids, the shaker further configured to convey the dried first solids for disposal or reuse, the shaker producing an underflow comprising a third slurry comprising a second solids, the shaker configured for depositing the third slurry into the tank for recirculation through the first conduit to the one or more hydrocyclone units, , all of which corresponds to element [6] as recited in Claim 1 of the '406 Patent. *See Exhibits D and F.*

28. The Accused SandDevils include a second conduit having an inlet and an outlet, the inlet of the second conduit in operative association with the one or more hydrocyclones to receive and provide a flow path for the overflow comprising the first clean fluid, the outlet of the second conduit operatively positioned within the tank for discharge of the overflow comprising the first clean fluid therein, all of which corresponds to element [7] as recited in Claim 1 of the '406 Patent. *See Exhibits D and E.*

29. The Accused SandDevils include an overflow device operatively positioned within the tank, the overflow device configured to provide an outlet for the first clean fluid to exit the tank, all of which corresponds to element [8] as recited in Claim 1 of the '406 Patent. *See Exhibit D.*

30. Claim 1 of the '654 Patent recites (wherein the bracketed letter/numbers are included for ease of reference):

[P]	1. A system for separating solids from a slurry recovered from a hydrocarbon well, comprising:
[1]	a tank including a V-shaped compartment with sloping side walls, a bottom, and a top, the compartment having a front section, a mid-section, and a rear section;
[2]	one or more degassing units operatively positioned over the top of the compartment, the one or more degassing units removing an entrained gas from the slurry and discharging a first slurry;
[3]	a first series of baffles operatively positioned within the compartment at its mid-section and below the one or more degassing units, the first series of baffles causing a first settling of a first solids within the first slurry;
[4]	a shaftless auger operatively positioned on the bottom of the compartment, the shaftless auger configured for rotation to cause the first solids to move to the rear section of the compartment;
[5]	a suction pump in fluid communication with a first conduit, the first conduit having an inlet and an outlet, the inlet of the first conduit being operatively positioned within the compartment at its rear section adjacent the shaftless auger, the suction pump configured to pump a second slurry containing the first solids through the first conduit;
[6]	one or more hydrocyclone units in fluid communication with the outlet of the first conduit, the one or more hydrocyclone units receiving and processing the second slurry to produce an overflow comprising a first clean fluid and an underflow comprising the first solids;
[7]	a linear shaker operatively positioned underneath the one or more hydrocyclone units, the linear shaker configured to receive the underflow from the one or more hydrocyclone units and to cause a dewatering of the first solids to produce a dried first solids, the linear shaker further configured to convey the dried first solids to a storage device for disposal, the linear shaker producing an underflow comprising a third slurry comprising a second solids, the linear shaker configured for depositing the third slurry into the compartment at its rear section for

	recirculation through the first conduit to the one or more hydrocyclone units;
[8]	a second conduit having an inlet and an outlet, the inlet of the second conduit in operative association with the one or more hydrocyclones to receive and provide a flow path for the overflow comprising the first clean fluid, the outlet of the second conduit operatively positioned within the compartment at its mid-section for discharge of the overflow comprising the first clean fluid therein;
[9]	a second series of baffles operatively positioned within the compartment at its front section, the second series of baffles causing a second settling of a third solids, the third solids being moved to the rear section of the compartment by the rotation of the shaftless auger;
[10]	an underflow weir operatively positioned within the compartment at its front section directly adjacent to a last baffle comprising the second series of baffles, the underflow weir configured to cause the first clean fluid to flow under the underflow weir; and
[11]	an overflow pipe operatively positioned within the compartment at its front section directly adjacent to the underflow weir, the overflow pipe configured to provide an outlet for the first clean fluid to exit the tank.

31. The Accused SandDevils include a tank including a V-shaped compartment with sloping side walls, a bottom, and a top, the compartment having a front section, a mid-section, and a rear section, all of which corresponds to element [1] as recited in Claim 1 of the '654 Patent. *See* Exhibit D.

32. The Accused SandDevils include one or more degassing units operatively positioned over the top of the compartment, the one or more degassing units removing an entrained gas from the slurry and discharging a first slurry, all of which corresponds to element [2] as recited in Claim 1 of the '654 Patent. *See* Exhibits D and E.

33. On information and belief, after reasonable investigation, the Accused SandDeviils include a first series of baffles operatively positioned within the compartment at its mid-section and below the one or more degassing units, the first series of baffles causing a first settling of a first solids within the first slurry, all of which corresponds to element [3] as recited in Claim 1 of the '654 Patent.

34. On information and belief, after reasonable investigation, the Accused SandDeviils include a shaftless auger operatively positioned on the bottom of the compartment, the shaftless auger configured for rotation to cause the first solids to move to the rear section of the compartment, all of which corresponds to element [4] as recited in Claim 1 of the '654 Patent. *See* Exhibit D.

35. The Accused SandDeviils include a suction pump in fluid communication with a first conduit, the first conduit having an inlet and an outlet, the inlet of the first conduit being operatively positioned within the compartment at its rear section adjacent the shaftless auger, the suction pump configured to pump a second slurry containing the first solids through the first conduit, all of which corresponds to element [5] as recited in Claim 1 of the '654 Patent. *See* Exhibit D.

36. The Accused SandDeviils include one or more hydrocyclone units in fluid communication with the outlet of the first conduit, the one or more hydrocyclone units receiving and processing the second slurry to produce an overflow comprising a first clean fluid and an underflow comprising the first solids, all of which corresponds to element [6] as recited in Claim 1 of the '654 Patent. *See* Exhibits D and F.

37. The Accused SandDeviils include a linear shaker operatively positioned underneath the one or more hydrocyclone units, the linear shaker configured to receive the underflow from

the one or more hydrocyclone units and to cause a dewatering of the first solids to produce a dried first solids, the linear shaker further configured to convey the dried first solids to a storage device for disposal, the linear shaker producing an underflow comprising a third slurry comprising a second solids, the linear shaker configured for depositing the third slurry into the compartment at its rear section for recirculation through the first conduit to the one or more hydrocyclone units, all of which corresponds to element [7] as recited in Claim 1 of the '654 Patent. *See Exhibits D and F.*

38. The Accused SandDevils include a second conduit having an inlet and an outlet, the inlet of the second conduit in operative association with the one or more hydrocyclones to receive and provide a flow path for the overflow comprising the first clean fluid, on information and belief, after reasonable investigation, the outlet of the second conduit operatively positioned within the compartment at its mid-section for discharge of the overflow comprising the first clean fluid therein, all of which corresponds to element [8] as recited in Claim 1 of the '654 Patent. *See Exhibits D and E.*

39. On information and belief, after reasonable investigation, the Accused SandDevils include a second series of baffles operatively positioned within the compartment at its front section, the second series of baffles causing a second settling of a third solids, the third solids being moved to the rear section of the compartment by the rotation of the shaftless auger, all of which corresponds to element [9] as recited in Claim 1 of the '654 Patent.

40. On information and belief, after reasonable investigation, the Accused SandDevils include an underflow weir operatively positioned within the compartment at its front section directly adjacent to a last baffle comprising the second series of baffles, the underflow weir

configured to cause the first clean fluid to flow under the underflow weir, all of which corresponds to element [10] as recited in Claim 1 of the '654 Patent.

41. The Accused SandDevils include an overflow pipe operatively positioned within the compartment at its front section directly adjacent to the underflow weir, the overflow pipe configured to provide an outlet for the first clean fluid to exit the tank, all of which corresponds to element [11] as recited in Claim 1 of the '654 Patent. *See* Exhibit D.

42. Upon a reasonable opportunity for discovery, it is anticipated that DEL will identify additional claims of the DEL Patents infringed by the Accused SandDevils and/or identify additional products made, used, offered for sale, sold, and/or imported by J&J Tamez that infringe the DEL Patents.

43. J&J Tamez's manufacture, use, offer for sale, sale, and/or importation of the Accused SandDevils are without DEL's authorization or permission.

44. J&J Tamez has had knowledge of the '406 Patent and the '953 Patent and its infringement thereof at least since receiving a notice letter from DEL dated June 26, 2024.

45. J&J Tamez has had knowledge of the '654 Patent and its infringement thereof at least since receiving a notice letter from DEL dated April 27, 2021.

46. DEL has suffered and continues to suffer injury, including irreparable injury, as a result of J&J Tamez's infringement. DEL is therefore entitled to preliminary and permanent injunctive relief restraining and enjoining J&J Tamez from infringing the DEL Patents in accordance with 35 U.S.C. § 283.

47. By reason of J&J Tamez's infringement, DEL is suffering and will continue to suffer substantial damages in an amount to be determined at trial. Pursuant to 35 U.S.C. § 284,

DEL is entitled to recover damages adequate to compensate it for J&J Tamez's infringement, together with interest and costs as fixed by the Court.

48. J&J Tamez's infringement of the DEL Patents is willful and deliberate, entitling DEL to enhanced damages under 35 U.S.C. § 284.

49. J&J Tamez's infringement of the DEL Patents is exceptional, entitling DEL to attorney's fees incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 11,634,953

50. The allegations in the preceding paragraphs of this Complaint are hereby restated and incorporated by reference.

51. J&J Tamez is directly infringing, inducing infringement by others, and/or contributorily infringing at least claim 1 of the '953 Patent within this judicial district and/or otherwise within the United States by making, using, offering for sale, selling, and/or importing the Accused SandDevils that embody DEL's patented flowback technology.

52. On information and belief, J&J Tamez's infringement of the '953 Patent has been, and remains, willful and deliberate, as J&J Tamez has committed and continues to commit the acts alleged with previous knowledge of the '953 Patent.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 11,326,406

53. The allegations in the preceding paragraphs of this Complaint are hereby restated and incorporated by reference.

54. J&J Tamez is directly infringing, inducing infringement by others, and/or contributorily infringing at least claim 1 of the '406 Patent within this judicial district and/or

otherwise within the United States by making, using, offering for sale, selling, and/or importing the Accused SandDevils that embody DEL's patented flowback technology.

55. On information and belief, J&J Tamez's infringement of the '406 Patent has been, and remains, willful and deliberate, as J&J Tamez has committed and continues to commit the acts alleged with previous knowledge of the '406 Patent.

**COUNT III
INFRINGEMENT OF U.S. PATENT NO. 10,751,654**

56. The allegations in the preceding paragraphs of this Complaint are hereby restated and incorporated by reference.

57. J&J Tamez is directly infringing, inducing infringement by others, and/or contributorily infringing at least claim 1 of the '654 Patent within this judicial district and/or otherwise within the United States by making, using, offering for sale, selling, and/or importing the Accused SandDevils that embody DEL's patented flowback technology.

58. On information and belief, J&J Tamez's infringement of the '654 Patent has been, and remains, willful and deliberate, as J&J Tamez has committed and continues to commit the acts alleged with previous knowledge of the '654 Patent.

PRAYER FOR RELIEF

WHEREFORE, DEL respectfully prays that this Court enter judgment in its favor against J&J Tamez and grant the following relief:

1. A judgment that J&J Tamez has infringed one or more claims of the DEL Patents;
2. An order preliminarily and permanently restraining and enjoining J&J Tamez, its officers, directors, agents, attorneys, members, managers, employees, affiliates, representatives, parents, subsidiaries, successors, and assigns, and those acting in privity or concert with J&J Tamez, from engaging in the manufacture, use, offer

for sale or sale within the United States, or importation into the United States, of any product covered by the DEL Patents, including but not limited to the Accused SandDevils, or otherwise infringing the DEL Patents, until after the expiration date of the DEL Patents;

3. An award of pre- and post- judgment interest as allowed by law;
4. Damages or other monetary relief to DEL, including an award of damages to DEL in an amount adequate to compensate for infringement under 35 U.S.C. § 284, which damages may include lost profits but in no event shall be less than a reasonable royalty, together with costs and trebled damages;
4. Reasonable attorney's fees relating to this action pursuant to 35 U.S.C. § 285; and
5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

DEL demands a trial by jury on all issues that are so triable.

[Signatures on following page]

Respectfully submitted,

Dated: August 9, 2024

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