

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2024

Lyle W. Cayce
Clerk

No. 17-20545

ENVIRONMENT TEXAS CITIZEN LOBBY, INCORPORATED; SIERRA
CLUB,

Plaintiffs—Appellees,

versus

EXXONMOBIL CORPORATION; EXXONMOBIL CHEMICAL
COMPANY; EXXONMOBIL REFINING & SUPPLY COMPANY,

Defendants—Appellants.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CV-4969

Before ELROD, *Chief Judge*, and DAVIS, JONES, SMITH, STEWART,
RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON,
WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, and
DOUGLAS, *Circuit Judges*.*

J U D G M E N T

* JUDGE RAMIREZ joined the court after the case was submitted and did not participate in this decision.

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that Appellants pay to Appellees the costs on appeal to be taxed by the Clerk of this Court.

W. EUGENE DAVIS, *Circuit Judge*, concurring, joined by STEWART, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, and DOUGLAS, *Circuit Judges*.

JAMES C. HO, *Circuit Judge*, in support of dismissing rehearing en banc as improvidently granted.

EDITH H. JONES, *Circuit Judge*, joined by SMITH, RICHMAN*, WILLETT, DUNCAN, ENGELHARDT, OLDHAM, and WILSON, *Circuit Judges*, dissenting.

PRISCILLA RICHMAN, *Circuit Judge*, dissenting.

ANDREW S. OLDHAM, *Circuit Judge*, joined by JONES, SMITH, WILLETT, DUNCAN, ENGELHARDT, and WILSON, *Circuit Judges*, dissenting.

* Judge Richman concurs in all but Part I and fn. 23 of Part II of this opinion.