

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-40884

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ORYX ENERGY CORPORATION,  
Plaintiff-Appellee,  
versus  
LGS EXPLORATION, INC.,  
Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
(90-0247)

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(April 11, 1995)

Before REYNALDO G. GARZA, HIGGINBOTHAM, and PARKER, Circuit Judges.

PER CURIAM:\*

The district court found that "[t]he management personnel of LGS were aware of the reduced price Oryx was paying under the Contract" pursuant to the purported modifications to the contract price. This finding was not clearly erroneous. Nor did the district court err in holding that under Louisiana law, LGS's silence coupled with its knowing acceptance of the reduced payments

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\*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

sufficed to make the modifications effective. Tahoe Corp. v. P & G Gathering Sys., 506 So. 2d 1336 (La. Ct. App. 1987). AFFIRMED.