

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 9, 2026

Lyle W. Cayce
Clerk

No. 24-30097

EDWARD F. BREAUX, JR.; LINDA BREAUX,

Plaintiffs—Appellants,

versus

KEVIN RAY WORRELL; CITY OF WILSON NORTH CAROLINA;
TRAVELERS INDEMNITY COMPANY, *incorrectly named as* TRAVELERS
INDEMNITY INSURANCE COMPANY; TRAVELERS PROPERTY
CASUALTY COMPANY OF AMERICA,

Defendants—Appellees,

JESSIE J. BLANCHARD; VICKIE B. BLANCHARD,

Plaintiffs—Appellants,

versus

TRAVELERS INDEMNITY COMPANY; KEVIN RAY WORRELL, *City of
Wilson North Carolina,*

Defendants—Appellees.

Appeal from the United States District Court

for the Western District of Louisiana
USDC Nos. 6:22-CV-5169, 6:22-CV-5254

Before HIGGINBOTHAM, WILLETT, and HO, *Circuit Judges*.

PATRICK E. HIGGINBOTHAM, *Circuit Judge*:

In January 2024, a federal district court granted summary judgment in favor of the defendants, Kevin Worrell, the City of Wilson, North Carolina, and the City’s insurers, holding that Worrell and the City of Wilson were entitled to statutory immunity under Louisiana’s Homeland Security and Emergency Assistance and Disaster Act (LHSEADA). The Breauxs and the Blanchards appealed, challenging the district court’s interpretation of the scope of the Act’s immunity provision.

On June 25, 2025, we certified two questions regarding the interpretation of the Act’s immunity provision to the Supreme Court of Louisiana:

- (1) Is an employee of a city of another state—working under an agreement for emergency assistance between that city and a Louisiana municipality—a “representative” of the State of Louisiana or one of its political subdivisions within the meaning of La. R.S. 29[:]⁷³⁵?
- (2) Is an individual providing emergency assistance in Louisiana “engaging in . . . emergency preparedness and recovery activities” under La. R.S. 29[:]⁷³⁵ while commuting from the recovery site to his lodging?¹

On April 10, 2026, the Supreme Court of Louisiana issued its opinion in response to our certified questions, holding that Worrell “would not be considered to have been a ‘representative’ of any Louisiana governmental

¹ *Breaux v. Worrell*, 141 F.4th 712, 719 (5th Cir. 2025). The factual circumstances and procedural history of this case are fully recounted in our published opinion certifying the question. *Id.* at 714–15.

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entity . . . for purposes of LHSEADA immunity.”² As “that failure alone disqualifies him for immunity under the statute[,]” the Supreme Court of Louisiana declined to consider the second certified question.³

In light of this decision by the Supreme Court of Louisiana, we REVERSE the district court’s judgment and REMAND for further proceedings consistent with this opinion.

² See *Breaux v. Worrell*, 431 So.3d 375, 383–84 (La. 2026).

³ *Id.* at 384.