

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KIRK PREST

CIVIL ACTION

VERSUS

NO. 17-3409

BP EXPLORATION &
PRODUCTION INC., *et al.*

SECTION M (4)

ORDER & REASONS

Before the Court is a *Daubert* motion *in limine* to exclude the general causation opinions of plaintiff's medical expert Dr. Jerald Cook filed by defendants BP Exploration & Production Inc., BP America Production Company, BP p.l.c. (collectively, "Defendants").¹ Plaintiff Kirk Prest responds in opposition.²

Defendants' motion here is nearly identical to the *Daubert* motions regarding Cook filed by Defendants, and granted by this Court, in other B3 cases.³ *See, e.g., Carpenter v. BP Expl. & Prod., Inc.*, 2022 WL 2757416 (E.D. La. July 14, 2022); *Johns v. BP Expl. & Prod. Inc.*, 2022 WL 1811088 (E.D. La. June 2, 2022); *Johnson v. BP Expl. & Prod. Inc.*, 2022 WL 1811090 (E.D. La. June 2, 2022); *Macon v. BP Expl. & Prod. Inc.*, 2022 WL 1811135 (E.D. La. June 2, 2022); *Murray v. BP Expl. & Prod. Inc.*, 2022 WL 1811138 (E.D. La. June 2, 2022); *Street v. BP Expl. & Prod. Inc.*, 2022 WL 1811144 (E.D. La. June 2, 2022).

¹ R. Doc. 40.

² R. Doc. 44.

³ Dr. Cook updated his report on September 30, 2022. R. Doc. 40-5. The Court has reviewed the new report and concludes that it does not cure the previously identified deficiencies in Cook's prior reports; specifically, the September 30 report does not provide admissible general causation opinions. *Id.* Prest admits in his opposition memorandum that applying the Court's prior reasoning in similar motions to this one would lead to the same result, namely, exclusion of Cook's opinions. R. Doc. 44 at 6. Prest advocates for a different approach that ignores Fifth Circuit toxic tort precedent and blames Defendants for the lack of dose-response data. *Id.* at 6-25. The Court is not persuaded by these arguments.

Accordingly, for the reasons stated in the Orders & Reasons issued in those cases,

IT IS ORDERED that Defendants' *Daubert* motion to exclude Cook (R. Doc. 40) is GRANTED.

New Orleans, Louisiana, this 18th day of October, 2022.



BARRY W. ASHE
UNITED STATES DISTRICT JUDGE