

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANAMELISSA WELLINGTON, *et al.*

CIVIL ACTION

VERSUS

NO. 17-4542

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

SECTION M (2)

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., Halliburton Energy Services, Inc., Transocean Holdings LLC, Transocean Deepwater, Inc., and Transocean Offshore Deepwater Drilling, Inc. (collectively, "Defendants").¹ Plaintiff Melissa Wellington responds in opposition.²

Also before the Court is Defendants' motion for summary judgment in which they argue that the case should be dismissed because Wellington cannot prove general causation without Cook's opinions.³ Wellington responds in opposition.⁴

Defendants' motions here are nearly identical to those filed by Defendants, and granted by this Court, in other B3 cases.⁵ *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.*

¹ R. Doc. 42.

² R. Doc. 49.

³ R. Doc. 43.

⁴ R. Doc. 44.

⁵ Dr. Cook updated his report on June 21, 2022. R. Doc. 42-8. 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 June 21 report does not provide admissible general causation opinions. *Id.*


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).

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. 42) is GRANTED.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (R. Doc. 43) is GRANTED, and Wellington's claims against them are DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 19th day of August, 2022.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE