

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

COTTON BAYOU MARINA, INC. d/b/a/ TACKY)	
JACK’S RESTAURANT,)	
)	
Plaintiffs,)	
)	
vs.)	
)	CASE NO. 10-cv-243
BP, plc; et al.,)	
)	
Defendants.)	
)	

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANTS
BP AMERICA INC. AND BP PRODUCTS NORTH AMERICA INC.’S
MOTION FOR ENLARGEMENT OF TIME**

Plaintiff Cotton Bayou Marina, Inc., individually and on behalf of themselves and all others similarly situated (“Plaintiff”), by and through counsel, hereby submit this Response in Opposition to Defendants BP America Inc. and BP Products North America, Inc.’s (hereinafter “Defendants”) Motion for Enlargement of Time. For the following reasons, Defendants’ Motion is due to be denied.

1. On May 7, 2010, Plaintiff filed its Complaint giving rise to the action before this Court.
2. On May 13, 2010 Defendants were served with the Complaint.¹
3. On May 18, 2010, Defendants filed their Motion for Enlargement of Time to answer the Plaintiff’s Complaint.
4. As part of their Motion, Defendants argue they should be granted additional time to respond to the Plaintiff’s Complaint for two reasons: (1) the number of related actions filed in

¹ Doc. 11.

multiple jurisdictions since the Deepwater Horizon explosion and spill necessitates additional time; and (2) Defendant Halliburton Energy Services filing of a motion to stay further proceedings, if granted, would suspend the deadline for the Defendants to respond to the Plaintiff's Complaint.

5. Plaintiff is entitled to an answer from the Defendants in this litigation within the time period set forth in the Federal Rules of Civil Procedure and would be prejudiced by Defendants' extension of time. The assertion by Defendants that they are involved in multiple lawsuits regarding the Deepwater Horizon spill is immaterial. Plaintiff should not be prejudiced merely because the Defendants' own actions may have brought about numerous other lawsuits in multiple venues.

6. The Defendants are no strangers to litigation. Indeed, the Defendants are multi-billion dollar enterprises with substantial legal capital. They are currently involved in multiple lawsuits, including class action lawsuits, throughout the nation that are unrelated to the instant litigation. For Defendants to suggest that they are completely overrun by lawsuits solely as a result of the Deepwater Horizon incident is not indicative of their capabilities or legal histories.

7. Additionally, the Defendants' argument for additional time to respond to the Plaintiff's Complaint in lieu of Halliburton's Motion to Stay lacks merit. The Defendants fail to acknowledge that Halliburton's Motion could easily be denied by the Court.² The Defendants', while fully capable and able to respond to the Plaintiff's Complaint, are attempting to delay the litigation process at the expense and to the prejudice of Plaintiff. All the while, the Plaintiff is being damaged as a result of this continuing oil spill and its claims left unresolved. Surely,

² The Court has given Plaintiffs until June 1, 2010, to respond to Defendant Halliburton's Motion for Stay. Plaintiff intends to file a timely Response in Opposition to Defendant's Motion.

“[t]here shall be a complaint and an answer.” Fed.R.Civ.P. 7(a). The Plaintiff is entitled to an Answer by June 3, 2010.

WHEREFORE, for the reasons stated above, Plaintiff prays for an Order from this Court denying Defendants’ Motion and Ordering the Defendants’ to answer Plaintiff’s Complaint by June 3, 2010.

Respectfully submitted by,

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Dated: May 19, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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