

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE:)
)
)

**DEEPWATER HORIZON
 INCIDENT LITIGATION**)
)
)

MDL Docket No. _____

**BP EXPLORATION & PRODUCTION INC.'S MOTION
 TO TRANSFER FOR COORDINATED OR CONSOLIDATED
PRETRIAL PROCEEDINGS UNDER 28 U.S.C. § 1407**

BP Exploration & Production Inc. ("BPXP"), a defendant in various of the cases listed on the accompanying Schedule of Actions,¹ files this motion for consolidation and transfer of pretrial proceedings under 28 U.S.C. § 1407. In support of its Motion, BPXP states as follows:

1. On April 20, 2010 there was an explosion and fire onboard the Deepwater Horizon offshore drilling rig owned and operated by Transocean Ltd. and/or its subsidiaries ("Transocean") while it was operating in the Gulf of Mexico. The rig subsequently sank on April 22.
2. At the time of the incident, BP America Production Company (an affiliate of BPXP) had hired Transocean Holdings LLC as an independent contractor to use Deepwater

¹ As shown in the accompanying Schedule of Actions, BPXP seeks consolidation and transfer of 70 cases arising from the explosion onboard the Deepwater Horizon and subsequent oil spill. Of the 70 Related Cases, six (6) were the subject of a prior filing by a group of plaintiffs on or about April 30, 2010 seeking an MDL styled as "*In Re: Gulf Of Mexico Oil Contamination*." BPXP is filing this pleading as a Motion pursuant to JPML Rule 7.2(g) and (h) because it adds 64 actions to the 6 identified by plaintiffs for transfer and consolidation. As discussed in the accompanying Memorandum, plaintiffs' Motion is too narrow and the cases identified therein should be made part of the larger MDL that BPXP seeks in this Motion.



Horizon to drill an exploration well on Mississippi Canyon Block 252 ("MC252"), approximately 130 miles southeast of New Orleans. BPXP has a 65% interest in MC252. Following the incident on the Deepwater Horizon rig, oil began spilling from the well. An extensive spill response operation was activated, involving more than 2500 people, a fleet of vessels, aircraft, dispersants and booms.

3. In the two weeks since the incident, at least 70 suits have been filed in federal court relating to the incident as set forth in the Schedule of Actions (collectively the "Related Cases"). Each of the Related Cases is based on the same facts: the explosion of Deepwater Horizon and subsequent oil spill. Each of the Related Cases has also been filed against some combination of the same defendants: Transocean and/or its affiliates, BPXP and/or its affiliates, Halliburton Energy Services, Inc., Cameron International Corporation, and others. All the Related Cases allege a cause of action for negligence, and many also seek recovery under common theories such as strict liability, nuisance, wantonness, and trespass. The vast majority of these cases, 59, are class actions seeking the certification of overlapping classes.

4. The Related Cases are spread across several different courts in Florida, Alabama, Louisiana, Mississippi, and Texas. The need to avoid inconsistent pre-trial rulings, eliminate duplicative discovery, and conserve the efforts and resources of the parties and the judiciary all weigh heavily in favor of transferring these cases to a single court for coordinated and consolidated pre-trial proceedings.

5. The Southern District of Texas, Houston Division, is the appropriate forum for all of the Related Cases because that is where (i) all of the defendants' headquarters, key witnesses and documents are located and (ii) a majority of the state court lawsuits have been filed.

In further support of its motion, BPXP submits the accompanying Memorandum and refers the Court to the points and authorities contained therein.

WHEREFORE, BPXP respectfully requests that the Court consolidate all of the cases on the Schedule of Actions pursuant to 28 U.S.C. § 1407. BPXP further requests transfer to the Southern District of Texas, Houston Division.

Dated: May 7, 2010

Respectfully submitted,

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