

[1]

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ACY J. COOPER, JR. AND RONNIE LOUIS  
ANDERSON, ETC.

CIVIL ACTION

VERSUS

NO. 10-1229

BP, plc, ET AL

SECTION "N" (1)

**ORDER**

Subject to further orders of the Court, **IT IS ORDERED** that Plaintiffs' request for a Protective Order is hereby **GRANTED** in the following respects:

**I. PRESERVATION ORDER**

1. The Defendants, Transocean Offshore Deepwater Drilling, Inc., Deepwater Horizon, BP Products North America, Inc., Halliburton Energy Services, Cameron International Corporation d/b/a Cameron Systems Corporation and MI SWACO, through their officers, agents, employees, and subcontractors, are ordered:

(a) To reasonably refrain and resist from any changing, alteration and/or destruction of any documents pertaining to the April 20, 2010 explosion or subsequent efforts expended in connection with such event, including all information stored, held or maintained in electronic format or via the internet; and to take immediate action to prevent the automatic and/or systematic programmed deletion or discarding of such documents.

(b) To reasonably refrain and resist from any changing, alteration and/or destruction of any and all tools, instrumentalities, and/or devices which may have been used by workers, in any capacity, as well as any work authorizations or other documents indicating status of work at the time of the event in question as well as any and all physical evidence of any kind in any way connected with the accident and/or accident scene in question.

2. This order shall not be construed in any way to restrict the direction or activities of any of the Defendants or any local, state or federal governmental entity or agency in their investigation, recovery, well control, remedial or rescue efforts.

3. Except for good cause shown, each Defendant shall create and maintain and promptly update a confidentiality/privilege log in a searchable electronic format that can be used with commercially available database software (e.g., Microsoft Access) identifying the following information for each document produced or made available in this litigation: the documents (a) beginning and ending Bates numbers; (b) date; (c) title; (d) document type; (e) author(s); (f) recipient(s); and (g) confidentiality status (e.g., Confidential, Highly Confidential, or Non-Confidential, as defined hereinbelow). Each Defendant shall update the confidentiality/privilege log on the first business day of each month. Each confidentiality/privilege log shall reflect all documents produced or declared confidential by the Defendant by the fifteenth day of the prior month. Documents designated "Confidential-Subject to Protective Order" or "Highly Confidential-Subject to Protective Order" that inadvertently do not appear on the confidentiality/privilege log are nonetheless "Confidential" or "Highly Confidential Information" under this Order.

4. Such confidentiality/privilege log shall be subject to prompt production at a future date and time pursuant to further Order of the Court. Production of such confidentiality/privilege log shall be made within seven (7) days of any such order, and the confidentiality/privilege log produced shall be complete up through the fifteenth day of the month prior to that in which it is produced.

5. It is expressly understood by and between the parties that in identifying and designating Confidential Information or Highly Confidential-Restricted Information in this litigation, the parties shall be relying upon the terms and conditions of this Protective Order.

6. No provisions of this Protective Order shall restrict any party's counsel from rendering advice to its clients with respect to this Action and, in the course thereof, relying upon Confidential or Highly Confidential Information, provided that in rendering such advice, counsel shall not disclose any other party's Confidential or Highly Confidential Information other than in a manner provided for in this Protective Order.

7. By written agreement of the parties, or upon motion and order of the Court, the terms of this Protective Order may be amended, modified, superseded or vacated. This Protective Order shall continue in force until amended or superseded by express order of the Court, and shall survive any final judgment or settlement in this Action.

## II. PROTECTIVE ORDER

8. **IT IS FURTHER ORDERED** that, for purposes of this Order, the Designation of Confidential or Highly Confidential-Restricted Information are defined and treated as follows:

(1) "*Confidential Information*" as used herein means any information that the Producing Party believes in good faith constitutes, reflects, discloses, or contains information subject to protection under Fed. R. Civ. P. 26(c) or other applicable law, whether it is a document (electronic or otherwise), information contained in a document, information revealed during a deposition or other testimony, information revealed in an interrogatory response, or information otherwise revealed. In designating discovery materials as Confidential Information, the Producing Party shall do so in good faith consistent with the provisions of this Protective Order and the rulings of the Court, and shall not be overly broad in designating information as Confidential Information under this Protective Order.

Specific documents and discovery responses produced by a Producing Party shall be designated as Confidential Information by marking the pages of the document that contain Confidential Information as follows: "CONFIDENTIAL — SUBJECT TO PROTECTIVE ORDER."

(2) "*Highly Confidential-Restricted Information*" as used herein means any information that the Producing Party believes in good faith constitutes, reflects, discloses, or contains information subject to protection under Fed. R. Civ. P. 26(c) or other applicable law, and that contain highly sensitive and competitive information, the disclosure of which to persons other than those designated in this Protective Order would pose a substantial risk of serious harm, economic or otherwise, to the Producing Party. In designating discovery materials as Highly Confidential-Restricted Information, the Producing Party shall do so in good faith consistent with

the provisions of this Protective Order and the rulings of the Court, and shall not be overly broad in designating information as Confidential Information under this Protective Order.

Specific documents and discovery responses produced by a Producing Party shall be designated as Highly Confidential-Restricted Information by marking the pages of the document that contain Confidential Information as follows: "HIGHLY CONFIDENTIAL — RESTRICTED — SUBJECT TO PROTECTIVE ORDER."

(3) Where the Producing Party is a defendant, "Competitor" as used herein shall mean any other defendant that provides the same or similar services as the Producing Party.

(4) Information, other than .tiff images, produced in electronic form (including but not limited to electronic files, databases, programs, tapes, discs or other electronic information) ("Electronic Material") not physically marked as otherwise required under Paragraphs (1) and (2) above, may be designated as Confidential or Highly Confidential-Restricted by marking the outside of the storage medium on which the information is produced or by making the designation in writing. The Receiving Party shall mark any hard copy print-outs and the storage medium of any permissible copies of Electronic Material designated as Confidential or Highly Confidential-Restricted with the appropriate "CONFIDENTIAL — SUBJECT TO PROTECTIVE ORDER" or "HIGHLY CONFIDENTIAL-RESTRICTED — SUBJECT TO PROTECTIVE ORDER" legend.

(5) Information disclosed at a deposition taken in connection with this Action may be designated by the Producing Party as Confidential Information or Highly Confidential-Restricted Information by designating the portions of the transcript in a letter to be served on the court reporter and all counsel within seven (7) business days of the date the court reporter makes the transcript

available for the Producing Party's review. The letter shall direct the court reporter to indicate the portions designated as Confidential Information or Highly Confidential-Restricted Information and segregate them as appropriate. Designations of transcripts will apply to audio, video, or other recordings of the testimony. The court reporter shall clearly mark any transcript released prior to the expiration of the seven (7) day period as "Confidential-Subject to Further Confidentiality Review" or "Highly Confidential-Restricted Information." Such transcripts will be treated as Confidential Information or Highly Confidential-Restricted Information and shall be fully subject to this Protective Order, until the expiration of the seven (7) days after the transcript was made available by the court reporter. If the Producing Party does not serve a designation letter within the seven (7) day period, then the entire transcript will be deemed not to contain Confidential Information or Highly Confidential-Restricted Information. The parties may agree to a reasonable extension of the seven (7) day period for serving the designation letter.

(6) A party in this Action may designate as Confidential or Highly Confidential-Restricted any document or information produced, or testimony given, by any other person or entity that the party reasonably believes qualifies as such party's Confidential or Highly Confidential Information pursuant to this Protective Order. If any third party produces information that any party in good faith believes constitutes its Confidential or Highly Confidential-Restricted Information, the party claiming confidentiality shall designate the information as such within seven (7) days of its receipt of such information. Any party receiving information from a third party shall treat such information pursuant to this Protective Order during this seven (7) day period while all parties have an opportunity to review the information and determine if it should be designated as Confidential or

Highly Confidential-Restricted Information. Any party designating third party information as Confidential or Highly Confidential-Restricted shall have the same rights as a Producing Party under this Order with respect to such information.

(7) Subject to Paragraph (11) below, the Receiving Party may disclose Confidential Information only to the following people:

- (a) Counsel for the Receiving Party, including any in-house counsel employed by such party, and the attorneys, paralegals, stenographic, and clerical staff employed by such counsel who are working on the Action under the direction of such counsel and to whom it is necessary that the Confidential Information be disclosed for purposes of the Action;
- (b) With respect to any Confidential Information produced by any plaintiff or third party with respect to plaintiff, any employee of the Defendants to whom it is necessary to disclose such information for the purpose of assisting in, or consulting with respect to, the preparation of this Action;
- (c) Stenographic employees, court reporters, and videographers recording or transcribing testimony in this Action;



- (d) The Court, any Special Master appointed by the Court, and any members of their staffs to whom it is necessary to disclose the Confidential Information;
- (e) Subject to Paragraph (5), any witness during a deposition;
- (f) Counsel for claimants in other pending litigation alleging property damage, personal injury, or any economic loss arising from the alleged contamination: (i) already operating under a protective order governing the use of confidential information, or (ii) agrees to be bound by this Order and signs the certification described in Paragraph (9) below;
- (g) Any outside consultant or expert who has signed the certification described in Paragraph (9) below; and
- (h) Any representative of any of the Receiving Party's insurance carriers who has signed the certification described in Paragraph (9) below.

(8) The Receiving Party may disclose Highly Confidential-Restricted Information only to the following people:

- (a) Outside Counsel for Defendants in this Action, including attorneys, paralegals, stenographic and clerical staff employed by such counsel who are working on the Action under the direction of such counsel and to whom it is necessary that the Highly Confidential-Restricted Information be disclosed for purposes of the Action;

- (b) In-house attorneys for Plaintiffs who are primarily responsible for the litigation and prosecution of the Action. In-house attorneys for Plaintiffs who are not responsible for the litigation and prosecution of the Action, including any in-house attorneys with business relationships with any Plaintiff or Defendants or with any other day-to-day interactions with any Plaintiff or Defendants shall not have access to Highly Confidential Documents outside of those produced by the individual Plaintiff;
- (c) In-house attorneys for Defendants who are primarily responsible for the litigation and defense of the Action. In-house attorneys for Defendants who are not responsible for the litigation and defense of the Action, including any in-house attorneys with business relationships with any Co-Defendant or with any other day-to-day interactions with any Co-Defendant shall not have access to Highly Confidential Documents outside of those produced by Defendants;
- (d) The Court, provided that the Highly Confidential-Restricted documents are filed under seal as set forth in Paragraph (20)(a) below;
- (e) Stenographic employees, court reporters, and videographers recording or transcribing testimony in this Action;
- (f) Any outside consultant or expert that has signed the certification described in Paragraph (9) below;

- (g) Subject to Paragraph (10) below, any witness during a deposition. Where a witness was a former employee, consultant, or agent of a Producing Party, and a current employee, consultant, or agent of a “Competitor” as defined in Paragraph (3), the parties shall meet and confer on an appropriate deposition protocol that protects “Highly Confidential” information;
- (h) Counsel for claimants in other pending litigation alleging property damage, personal injury, or any economic loss arising from the alleged contamination, provided that the proposed recipient is: (i) already operating under a protective order governing the use of confidential information, or (ii) agrees to be bound by this Order and signs the certification described in Paragraph (9) below; and
- (i) Any representative of any of the Receiving Party’s insurance carriers who has signed the certification described in Paragraph (9) below.

(9) Before disclosing any Confidential Information or Highly Confidential-Restricted Information to any person as permitted by this Order (other than the Court and its staff), such person shall be provided with a copy of this Protective Order, which he or she shall read. Upon reading this Protective Order, such person shall sign a Certification, in the form annexed hereto as Exhibit A, acknowledging that he or she has read this Protective Order and shall abide by its terms. A file of all executed Certifications shall be maintained by outside counsel for the party obtaining them and shall be made available, upon request, for inspection by the Court *in camera*. Persons who come into

contact with Confidential Information for clerical or administrative purposes, and who do not retain copies or extracts thereof, are not required to execute Certifications.

(10) Before disclosing Confidential or Highly Confidential-Restricted Information to any person who is, independent of this litigation, a current director, officer, employee of, consultant to, or counsel for a "Competitor" as defined in Paragraph (3) above, the party wishing to make such disclosure shall give at least ten (10) days advance notice in writing to the counsel for the party who designated such information as confidential, providing the counsel who designated such information as Confidential with information concerning the proposed recipient that does not identify the proposed recipient but is sufficient to permit an informed decision to be made with respect to any potential objection. If there is no consent to the disclosure within ten (10) days, the party wishing to make the disclosure may submit the information to the Court for a determination of whether the disclosure may be made. The objecting party will have opportunities to (1) request that the Court direct the party wishing to make disclosure to produce additional information about the proposed recipient and (2) submit such papers and argument as it may feel necessary to allow the Court to make an informed decision. If a motion is filed objecting to the proposed disclosure, the designated document or item shall not be disclosed unless and until ten days have elapsed after the appeal period from a Court order denying the motion. Because only the party seeking to make the disclosure may know who the proposed recipient is, it is the responsibility of the party seeking to make the disclosure to determine prior to making any disclosure whether the proposed recipient is a person described in this Paragraph.

(11) Disclosure of Confidential Information or Highly Confidential-Restricted Information beyond the terms of this Protective Order may be made only if the Producing Party designating the material as Confidential or Highly-Confidential-Restricted consents in writing to such disclosure, or if the Court, after reasonable notice to all affected parties, orders such disclosure.

(12) The Receiving Party, and any other persons having knowledge of Confidential Information or Highly Confidential-Restricted Information by virtue of their participation in this action, or by virtue of obtaining documents produced or disclosed in this Action pursuant to this Protective Order, shall use such Confidential Information or Highly Confidential-Restricted Information only as permitted herein.

(13) This Protective Order does not address the offering of Confidential Information or Highly Confidential-Restricted Information in evidence at trial or any court hearing, but nothing contained in this Protective Order shall preclude any party from moving the Court at an appropriate time for an order that the evidence be received *in camera* or under other conditions to prevent unnecessary disclosure.

(14) Nothing contained in this Protective Order shall preclude any party from using its own Confidential or Highly Confidential-Restricted Information in any manner it sees fit, without prior consent of any party or the Court.

(15) Counsel shall take all reasonable and necessary steps to assure the security of any Confidential or Highly Confidential-Restricted Information and limit access to those persons authorized by this Order.

(16) Any party that is served with a subpoena, formal written request from any state or federal government agency, or court order compelling the production of discovery materials produced by another party, which discovery materials have been designated as Confidential or Highly Confidential-Restricted Information, must immediately give written notice of such subpoena, formal written request from any state or federal government agency, or court order to the original Producing Party. Upon receiving copies of such requests, the original Producing Party shall bear the burden of opposing, if it deems appropriate, the subpoena or other request on grounds of confidentiality.

(17) If a Receiving Party learns of any unauthorized disclosure of Confidential or Highly Confidential-Restricted Information, it shall immediately upon learning of such disclosure (a) inform the Producing Party in writing of all pertinent facts relating to such disclosure, (b) make all reasonable efforts to prevent disclosure by each unauthorized person who received such information, and (c) make its best efforts to retrieve copies of the Confidential or Highly Confidential-Restricted Information.

(18) Upon the conclusion of any attorney's last case in this Action, including any appeals related thereto, at the written request and option of the Producing Party, all discovery materials produced by the Producing Party and any and all copies, summaries, notes, compilations (electronic or otherwise), and memoranda related thereto, shall be returned within thirty (30) calendar

days to the Producing Party, provided, however, that counsel may retain their privileged communications, work product, certifications pursuant to Paragraph (9), and all court-filed documents even though they contain discovery materials produced by the Producing Party, but such retained privileged communications and work product and court-filed documents shall remain subject to the terms of this Protective Order. At the written request of the Producing Party, any person or entity having custody or control of recordings, notes, memoranda, summaries or other written materials, and all copies thereof, relating to or containing discovery materials produced by the Producing Party shall deliver to the Producing Party an affidavit certifying that reasonable efforts have been made to assure that all such discovery materials produced by the Producing Party and any copies thereof, any and all records, notes, memoranda, summaries, or other written material regarding the discovery materials produced by the Producing Party (except for privileged communications, work product and court-filed documents as stated above) have been delivered to the Producing Party in accordance with the terms of this Protective Order.

(19) Changes in Designation of Information shall be treated as follows:

- (a) Inadvertent production of any document or information without a designation of confidentiality will not be deemed to waive a later claim to its Confidential or Highly Confidential-Restricted nature or preclude the Producing Party from designating such document or information as Confidential or Highly Confidential-Restricted at a later date.

- (b) Any Producing Party may designate as Confidential or Highly Confidential-Restricted, or withdraw such a designation from, any material that it has produced. Such redesignation shall be accomplished by notifying counsel for each party in writing of such redesignation. Upon receipt of any re-designation that designates material as Confidential or Highly Confidential-Restricted, the Receiving Party shall (a) treat such material in accordance with this Order, (b) take reasonable steps to notify any persons known to have possession of any such material of the re-designation under this Protective Order, and (c) promptly endeavor to retrieve all copies of such material from any persons known to have possession of such material who are not authorized to receive it under this Order.
- (c) Any party may object to the propriety of the designation (or re-designation) of specific material as Confidential or Highly Confidential-Restricted by serving a written objection upon the Producing Party's counsel. The Producing Party or its counsel shall thereafter, within ten (10) calendar days, respond to such objection in writing by either: (i) agreeing to remove the designation; or (ii) stating the reasons for such designation. If the Objecting Party and the Producing Party are subsequently unable to agree upon the terms and conditions of disclosure for the material(s) in issue after meeting and



conferring, the Objecting Party may move the Court for an order striking the designation within ten (10) days after written notice that the parties meet and confer efforts have ended. Counsel may agree to reasonable extensions or reductions of the ten (10) day period, if necessary, and nothing herein shall prevent a party from requesting expedited consideration by the Court. On such a motion, the Producing Party shall have the burden of proving that good cause exists for the designation at issue and that the material is entitled to protection as Confidential or Highly Confidential-Restricted Information under applicable law. The material(s) in issue shall continue to be treated in the manner as designated by the Producing Party until the Court orders otherwise. A Receiving Party does not waive its right to challenge a Confidential or Highly Confidential-Restricted Information designation by electing not to raise a challenge promptly after the original designation is disclosed and may challenge a designation at such time as the Receiving Party deems appropriate.

(20) IT IS FURTHER ORDERED Service and Filing of Papers With Confidential or Highly-Confidential-Restricted Information is as follows:

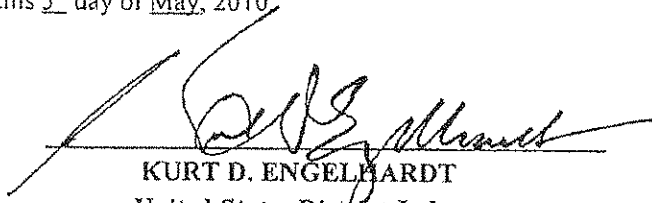
- (a) The Parties will use the following procedure for submitting to the Court papers consisting of, relating to, containing, incorporating, reflecting, describing or attaching Confidential or Highly Confidential-Restricted Information: any such material shall be filed in a sealed envelope, labeled with the case name, case number, the motion to which the documents relate, and a listing of the titles of the documents in the envelope, and shall bear the legend: THIS DOCUMENT CONTAINS CONFIDENTIAL OR HIGHLY CONFIDENTIAL-RESTRICTED INFORMATION COVERED BY A PROTECTIVE ORDER OF THE COURT AND IS SUBMITTED UNDER SEAL PURSUANT TO THAT PROTECTIVE ORDER. THE CONFIDENTIAL CONTENTS OF THIS DOCUMENT MAY NOT BE DISCLOSED WITHOUT EXPRESS ORDER OF THE COURT. Such material shall be kept under seal until further order of the Court; however, such materials shall be available to the Court and counsel of record, and to all persons entitled to receive such information under the terms of this Order.
- (b) Within seven (7) business days of the submission of any material under seal, the parties shall confer to determine if the Producing Party objects to the filing of the subject Confidential or Highly Confidential Information in unsealed form. To the extent of the parties agreement

concerning the treatment of the subject Confidential or Highly Confidential Information, the filing party may file the subject materials in unsealed form. To the extent the parties are unable to reach agreement, either party may file a motion to address the appropriate treatment of the subject materials. On such a motion, the Supplying Party shall have the burden of proving the material is Confidential or Highly Confidential Information. The material shall remain sealed unless the Court orders otherwise.

- (c) When submitting deposition testimony pursuant to the previous Paragraph that has been designated as Confidential or Highly Confidential-Restricted, the submitting party shall submit, to the extent reasonably possible, only those pages of the deposition transcript that are cited, referred to, or relied on by the submitting party.

Considering the foregoing, **IT IS ORDERED** that the Motion for Protective Order and Request for Status Conference (Rec. Doc. No. 3) is **GRANTED IN PART** and **DENIED IN PART**, as set forth herein. At this stage, the Court concludes that a status conference on this issue is unnecessary.

New Orleans, Louisiana, this 5<sup>th</sup> day of May, 2010.

  
KURT D. ENGELHARDT  
United States District Judge

**EXHIBIT "A"**

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

ACY J. COOPER, JR. AND RONNIE LOUIS  
ANDERSON, ETC.

CIVIL ACTION

VERSUS

NO. 10-1229

BP, plc, ET AL

SECTION "N" (1)

**CERTIFICATION**

I hereby certify that I have read the Protective Order entered in the above-captioned action and that I understand the terms thereof.

I agree to be bound by the Protective Order.

I further agree to submit to the jurisdiction of this Court for purposes of enforcing the Protective Order, and I understand that the Court may impose sanctions on me for any violation of the Protective Order.

I understand that these certifications are strictly confidential, that counsel for each party are maintaining the certifications without giving copies to the other side, and that the parties expressly agreed and the Court ordered that except in the event of a violation of this Order, the parties will make no attempt to seek copies of the certifications or to determine the identities of persons signing them. I further understand that if the Court finds that any disclosure is necessary to investigate a violation of this Order, the disclosure will be limited to outside counsel only and outside counsel shall not disclose any information to their clients that could tend to identify any certification signatory unless and until there is specific evidence that a particular signatory may have violated the Order, in which case limited disclosure may be made with respect to that signatory.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

(Typed or Printed)

[2]

P.2  
TROY  
STBX  
CASO

CAUSE NO. 2010-25245

**FILED**

Loren Jackson  
District Clerk

Stone

APR 30 2010

v. Time: \_\_\_\_\_  
Harris County, Texas  
By \_\_\_\_\_  
Deputy

§ IN THE DISTRICT COURT OF  
§  
§ HARRIS COUNTY, TEXAS  
§  
§  
§ 157<sup>th</sup> JUDICIAL DISTRICT

Transocean Offshore Deepwater  
Drilling, Inc., et al.

**TEMPORARY RESTRAINING ORDER**

The application of Plaintiffs for a temporary restraining order has been presented to me on this 30th day of April, 2010.

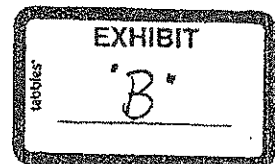
Defendants TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INC., DEEPWATER HORIZON, BP PRODUCTS NORTH AMERICA, INC., HALLIBURTON ENERGY SERVICES, CAMERON INTERNATIONAL CORPORATION D/B/A CAMERON SYSTEMS CORPORATION and MI SWACO are ORDERED:

(1) to reasonably refrain and resist from any changing, alteration and/or destruction of any documents pertaining to the April 20, 2010, explosion, including all information stored, held or maintained in electronic format or via the internet.

(2) to reasonably refrain and resist from any changing, alteration and/or destruction of any and all tools, instrumentailes, and/or devices which may have been used by workers, in any capacity, as well any work authorizations or other documents indicating status of work at the time of the event in question as well as any and all physical evidence of any kind in any way connected with the accident and/or accident scene in question.

This Order applies to TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INC., DEEPWATER HORIZON, BP PRODUCTS NORTH AMERICA, INC., HALLIBURTON ENERGY SERVICES, CAMERON INTERNATIONAL CORPORATION D/B/A CAMERON SYSTEMS CORPORATION and MI SWACO and their attorneys, agents, servants, and employees.

THE COURT RECOGNIZES THE ONGOING RESCUE, RECOVERY, WELL CONTROL, REMEDIAL AND INVESTIGATION EFFORTS. THIS ORDER DOES NOT RESTRICT THE DIRECTION OR ACTIVITIES OF ANY OF THE DEFENDANTS OR ANY LOCAL, STATE OR FEDERAL GOVERNMENTAL ENTITY OR AGENCY IN THEIR INVESTIGATION, RECOVERY, WELL CONTROL, REMEDIAL OR RESCUE EFFORTS.

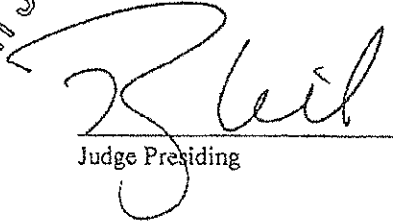


It is ORDERED ADJUDGED, and DECREED that a hearing on the temporary injunction and application be, and it is hereby set for the 11<sup>th</sup> day of May, 2010, at 9:00 clock, P.m.

This Temporary Restraining Order shall become effective immediately upon the posting of a bond in the amount of \$100.00 DOLLARS or deposit of \$100.00 DOLLARS with the Clerk of the Court.

It is ORDERED, ADJUDGED and DECREED that notice issued to the Defendants, TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INC., DEEPWATER HORIZON, BP PRODUCTS NORTH AMERICA, INC., HALLIBURTON ENERGY SERVICES, CAMERON INTERNATIONAL CORPORATION D/B/A CAMERON SYSTEMS CORPORATION and MI SWACO, commanding them to appear and show cause, if any, why the Temporary Injunction to preserve and maintain all documents and tangible evidence pertaining to the April 20, 2010 explosion at the Deepwater Horizon, including all information stored, held or maintained in electronic format or via the internet as prayed for in Plaintiff's Application should not be granted.

SIGNED on this 30<sup>th</sup> day of April, 2010

  
\_\_\_\_\_  
Judge Presiding

Unofficial Copy Office of Loren Jackson, District Clerk



[3]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

CAJUN MAID, LLC, ROBERT BARNETT,  
GULFSHORES SEA PRODUCTS, INC. and  
KEATH LADNER, on behalf of themselves and  
all others similarly situated

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:10cv00176-HSO-JMR

BP, PLC, BP AMERICA, INC.; BP CORPORATION  
NORTH AMERICA, INC.; BP COMPANY NORTH  
AMERICA, INC.; BP PRODUCTS NORTH AMERICA,  
INC.; ANADARKO PETROLEUM CORP.; MOEX  
OFFSHORE 2007, LLC; TRANSOCEAN LTD.;  
TRANSOCEAN OFFSHORE DEEPWATER  
DRILLING, INC.; TRANSOCEAN DEEPWATER  
INC.; HALLIBURTON ENERGY SERVICES, INC.;  
CAMERON INTERNATIONAL CORPORATION, f/k/a  
COOPER CAMERON CORPORATION; and M-I, LLC

DEFENDANTS

MOTION FOR INTERIM ORDER REGARDING PRESERVATION OF EVIDENCE

Plaintiffs hereby request expedited treatment for this request for relief and request that the Court enter the [Proposed] Interim Order, emailed to the Court's chambers with copies to all concerned counsel, as soon as practicable.

In support of their Motion, Plaintiffs rely on a Memorandum in Support. Plaintiffs also submit a [Proposed] Interim Order regarding evidence preservation pursuant to Rule 34.

Respectfully submitted, this the 17th day of May 2010.

PLAINTIFFS,

s/ Brian Herrington  
Brian Herrington, MB# 10204

Don Barrett (MBN 2063)  
David McMullan (MBN 8494)  
DON BARRETT, P.A.  
404 Court Square  
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Lexington, MS 39095

Telephone: (662) 834-2376  
Facsimile: (662) 834-2628

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Gary Yarborough, Jr. (MSB # 102310)  
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Larry D. Moffett (MSB # 9946)  
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Facsimile: (662) 232-8940

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Brenda G. Long (MSB #8663)  
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Gulfport, MS 39502-0416  
Tel: 228-864-8117  
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Randall A. Smith (*pro hac vice* to be filed)  
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CERTIFICATE OF SERVICE

I do hereby certify that on May 17, 2010, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

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Attorneys for BP America Inc. and BP Products  
North America Inc.

and all other parties were served via U.S. Mail through their agents for service of process.

s/ Brian Herrington  
Brian Herrington

**[4]**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ISADORE CREPPEL

CIVIL ACTION

VERSUS

NO: 10-1346

BP PLC, ET AL

SECTION: J(4)

ORDER

The following cases, all of which relate to the Gulf of Mexico Oil Spill, have been assigned to this Court:

Alexie v. BP, PLC et al, 10-1250;

Robin et al v. BP, PLC et al, 10-1295;

Matthias Properties, LLC v. BP, PLC et al, 10-1309;

Barisich et al v. BP PLC et al, 10-1324;

Creppel v. BP, PLC et al, 10-1346;

Terrebonne v. BP, PLC et al, 10-1352;

Parker v. BP, PLC et al, 10-1411;

Miles v. Hayward et al, 10-1446;

Schmalz et al v. Transocean Ltd et al, 10-1452;

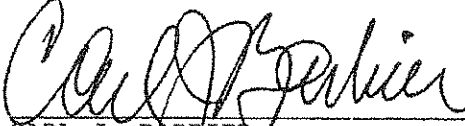
Garner v. BP PLC et al, 10-1482.

Considering the multiple motions filed in these cases, including Motions to Stay, Motions to Appoint a Special Master, and Motions for a Status Conference,

IT IS ORDERED that an in-court status conference will be

held on Tuesday, May 18, 2010 at 3:00 p.m. All interested  
counsel are ORDERED to attend.

New Orleans, Louisiana, this 17th day of May, 2010.

  
\_\_\_\_\_  
CARL J. BARBIER  
UNITED STATES DISTRICT JUDGE



**[5]**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

GEORGE BARISICH, individually and on behalf  
of THE UNITED COMMERCIAL FISHERMAN'S  
ASSOCIATION, INC.

CIVIL ACTION

VERSUS

NO. 10-1316

BP, P.L.C., BP EXPLORATION & PRODUCTION  
INC., and BP AMERICA PRODUCTION COMPANY

SECTION "N" (2)

**ORDER**

IT IS ORDERED that Plaintiffs' Motion to Expedite Hearing on the Motion for Court Supervision, or, Alternatively, to Appoint Special Master (Rec. Doc. 19) is GRANTED. If an amicable resolution of this issue cannot be reached through good faith and diligent efforts, Defendants shall submit their opposition to the motion (Rec. Doc. 18) no later than Wednesday, May 19, 2010, at 3:00 p.m.

New Orleans, Louisiana, this 17th day of May 2010.

  
KURT D. ENGELHART  
United States District Judge

[6]

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

RAY VATH  
and LOUISIANA ENVIRONMENTAL  
ACTION NETWORK, INC.

Plaintiffs

versus

BP, P.L.C.; et al.

Defendants

CIVIL ACTION NO. 10-CV-01273

SECTION "F"  
Judge Martin L. C. Feldman

DIVISION "2"  
Mag. Joseph C. Wilkinson, Jr.

MOTION FOR COURT SUPERVISION OR, ALTERNATIVELY, TO APPOINT  
SPECIAL MASTER

Plaintiffs Ray Vath and Louisiana Environmental Action Network, Inc. move the Court to supervise the claims processing scheme implemented by the defendants or alternatively, pursuant to Federal Rule of Civil Procedure 53 to appoint a special master to provide oversight and implementation guidance for the claims processing program being implemented by the defendants to provide emergency interim compensation to claimants related to the oil spill discharging from BP's<sup>1</sup> Macondo prospect in the Gulf of Mexico.

As discussed in the accompanying memorandum in support of this motion, Ray Vath and other commercial fishermen, are continuing to face difficulties in achieving emergency, interim

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<sup>1</sup> The defendants in this matter – BP, p.l.c., BP Exploration & Production Inc., and BP America Production Company – are referred to collectively herein as "BP."

compensation from BP's claim processing program. While the plaintiffs and BP could continue to bring each disputed matter with regard to the claims processing program before the judge in this Court, that piecemeal process may become cumbersome, and will result in undue delays in fishermen receiving much-needed compensation. Accordingly, for the sake of judicial efficiency and the promotion of justice, and also to provide a measure of predictability for all parties, Ray Vath and Louisiana Environmental Action Network, Inc. move this Court to either itself supervise the claims processing scheme or to appoint a Special Master to serve as the Court's liaison to the BP claims processing program, to lay ground rules for the administration of compensation payments to claimants, specifically including directing that payments may be made directly to represented claimants, and to oversee the implementation of those ground rules.

As detailed in the accompanying memorandum in support, all of the factors are met to justify reliance on Fed. R. Civ. P. 53 for this Court to exercise its discretion and appoint the requested Special Master.

Respectfully submitted,

/s/James M. Garner

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing pleading has been served on all counsel of record through this Court's electronic filing and notification system, this 15<sup>th</sup> day of May, 2010.

/s/James M. Garner

[7]



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

RAY VATH AND LOUISIANA  
ENVIRONMENTAL ACTION  
NETWORK

CIVIL ACTION

VERSUS

NO. 10-1273

BP , P.L.C.; BP EXPLORATION  
& PRODUCTION INC.; TRANSOCEAN  
LTD.; ANDARKO E&P COPMANY  
LP; ANDARKO PETROLEUM CORP.;  
MOEX OFFSHORE 2007 LLC,  
CAMERON INTERNATIONAL CORP.;  
HALLIBURTON ENERGY SERVICES,  
INC., AND HALLIBURTON COMPANY

SECTION "F"

ORDER AND REASONS

Before the Court is defendant BP Exploration & Production Inc.'s motion to stay pending transfer by the Judicial Panel on Multidistrict Litigation. For the following reasons, the motion is GRANTED.

Background

On April 20, 2010, the Deepwater Horizon oil rig exploded into flames and sank; oil began spilling into the Gulf of Mexico causing an oil slick on the surface of the water and plumes of oil beneath. As the days and weeks passed, the oil spill had not yet been contained, and parties began filing damage suits for personal injuries, injury to their business interests, and injuries to their property. This is one of those lawsuits.

On May 7, 2010, BP moved to consolidate the many cases<sup>1</sup> related to the Deepwater Horizon explosion before the Judicial Panel for Multidistrict Litigation pursuant 28 U.S.C. § 1407. The motion is expected to be heard in late July 2010. The Transocean defendants filed a limitation action as owners and operators of the Deepwater Horizon in the Southern District of Texas, Houston Division. On May 13, 2010, that district court ordered all persons claiming damages for any losses or injuries occasioned during the Deepwater Horizon catastrophe be notified to file their claims with that court, or have their claims be forever barred. The court also ordered the beginning or continued prosecution of any actions against the Transocean entities or the Deepwater Horizon be "enjoined, stayed and restrained."

#### Law and Analysis

##### I.

A pending transfer motion before the MDL panel does not deprive the district court in which the action is then pending of jurisdiction over pretrial matters. J.P.M.L.R. PROC. 1.5.; see In re Air Crash Disaster at Paris, France, on Mar. 3, 1974, 376 F. Supp. 887, 888 (J.P.M.L. 1974) ("[T]he mere pendency of a motion before the Panel does not affect or suspend orders and discovery proceedings in the transferor district court . . . ."). The MDL

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<sup>1</sup>According to the defendant, at least 70 cases have been filed in various state and federal courts; and at least 59 of these are styled as class actions.

Panel has observed that "the use of stay orders by the district courts, particularly in the area of discovery, is usually undesirable," while "[a] stay of proceedings concerning questions common to all cases, such as class representation, may be appropriate to preserve the question for the transferee judge and avoid inconsistent rulings." In re Penn Cent. Sec. Lit., 333 F. Supp. 382, 384 n.4 (J.P.M.L. 1971). Nonetheless, the matter of a stay "is within the sole discretion of the transferor judges." In re Air Crash Disaster, 376 F. Supp. at 888.

Indeed, incidental to its power to control the disposition of its docket, a district court has the inherent power to stay proceedings. Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936). When determining whether to do so, the court "must weigh competing interests and maintain an even balance." Id. The district court should consider three factors: (1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation if the cases are in fact consolidated. La. Stadium & Exposition Dist. v. Fin. Guar. Ins. Co., No. 09-235, 2009 WL 926982, at \* 1 (E.D. La. Apr. 2, 2009).

Courts frequently grant stays in cases when an MDL decision is pending. District courts have granted motions to stay after finding that the plaintiff would not be prejudiced by a slight delay.

Falgoust v. Microsoft Corp., No. 00-779, 2000 WL 462919, at \*2 (E.D. La. Apr. 19, 2000); see La. Stadium, 2009 WL 926982, at \*1 (responsive pleadings due to MDL panel eighteen days after district court decision); Kennedy v. Novartis Pharm., Corp., No. 02-2331, 2002 WL 31051601 (E.D. La. Sept. 12, 2001) (MDL panel had already ordered a conditional order of transfer, Court anticipated a three to four week delay); Tench v. Jackson Nat'l Life Ins. Co., No. 99-5182, 1999 WL 1044923, at \*2 (N.D. Ill. Nov. 12, 1999) (MDL panel hearing only one week away); Good v. Prudential Ins. Co. of Am., 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (MDL panel had already ordered a conditional order of transfer). In Falgoust, for example, the court determined that the hardship faced by the defendant forced to litigate in multiple courts and potentially forced to suffer conflicting rulings outweighed the prejudice to the plaintiff caused by delay. Falgoust, 2000 WL 462919, at \*2.

## II.

The present litigation compels a stay. A delay of a few months, while longer than some of the cases cited by the parties, is, nonetheless, slight when compared to the hardship to the defendants and the interests of judicial economy. The Court notes that there is no evidence of spoliation of evidence, and sanctions will remain available if the defendants engage in prohibited conduct. Further, if emergency relief is needed, a stay can always be lifted.

With at least seventy lawsuits in different districts, the defendants face the burden of litigating in multiple jurisdictions. More importantly, between the various lawyers and judges on the cases, there is a grave potential for conflicting discovery orders. This poses not only a hardship for the defendants, but mocks an efficient and orderly judicial system.

The Court finds that the prejudice to the plaintiffs caused by a delay of months is outweighed by the hardship to the defendants and the interests of judicial economy. Accordingly, the defendant's motion is GRANTED.

IT IS ORDERED: that all proceedings in this case are temporarily stayed, pending the MDL Panel's final decision on whether to consolidate.

New Orleans, Louisiana, May 25, 2010.

  
MARTIN E. C. FELDMAN  
UNITED STATES DISTRICT JUDGE

[8]

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CAJUN OFFSHORE CHARTERS, LLC

CIVIL ACTION

VERSUS

NO. 10-1341

BP, PLC, BP PRODUCTS NORTH  
AMERICA, INC., BP EXPLORATION  
& PRODUCTION, INC., TRANSOCEAN,  
LTD., TRANSOCEAN OFFSHORE  
DEEPWATER DRILLING, INC.,  
TRANSOCEAN DEEPWATER, INC.,  
HALLIBURTON ENERGY SERVICES,  
INC., CAMERON INTERNATIONAL  
CORP. F/K/A COOPER CAMERON  
& MARINE SPILL RESPONSE CORP.

SECTION "F"

ORDER AND REASONS

Before the Court is a motion to stay pending transfer by the Judicial Panel on Multidistrict Litigation by defendants BP Products North America, Inc., and BP Exploration & Production, Inc. For the following reasons, the motion is GRANTED.

Background

On April 20, 2010, the Deepwater Horizon oil rig exploded into flames and sank; oil began spilling into the Gulf of Mexico causing an oil slick on the surface of the water and plumes of oil beneath. As the days and weeks passed, the oil spill had not yet been contained, and parties began filing damage suits for personal injuries, injury to their business interests, and injuries to their property. This is one of those lawsuits.

On May 7, 2010, BP moved to consolidate the many cases<sup>1</sup> related to the Deepwater Horizon explosion before the Judicial Panel for Multidistrict Litigation pursuant 28 U.S.C. § 1407. The motion is expected to be heard in late July 2010. The Transocean defendants filed a limitation action as owners and operators of the Deepwater Horizon in the Southern District of Texas, Houston Division. On May 13, 2010, that district court ordered all persons claiming damages for any losses or injuries occasioned during the Deepwater Horizon catastrophe be notified to file their claims with that court, or have their claims be forever barred. The court also ordered the beginning or continued prosecution of any actions against the Transocean entities or the Deepwater Horizon be "enjoined, stayed and restrained."

Law and Analysis

I.

A pending transfer motion before the MDL panel does not deprive the district court in which the action is then pending of jurisdiction over pretrial matters. J.P.M.L.R. PROC. 1.5.; see In re Air Crash Disaster at Paris, France, on Mar. 3, 1974, 376 F. Supp. 887, 888 (J.P.M.L. 1974) ("[T]he mere pendency of a motion before the Panel does not affect or suspend orders and discovery proceedings in the transferor district court . . . ."). The MDL

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<sup>1</sup>According to the defendants, at least 70 cases have been filed in various state and federal courts; and at least 59 of these are styled as class actions.



Panel has observed that "the use of stay orders by the district courts, particularly in the area of discovery, is usually undesirable," while "[a] stay of proceedings concerning questions common to all cases, such as class representation, may be appropriate to preserve the question for the transferee judge and avoid inconsistent rulings." In re Penn Cent. Sec. Lit., 333 F. Supp. 382, 384 n.4 (J.P.M.L. 1971). Nonetheless, the matter of a stay "is within the sole discretion of the transferor judges." In re Air Crash Disaster, 376 F. Supp. at 888.

Indeed, incidental to its power to control the disposition of its docket, a district court has the inherent power to stay proceedings. Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936). When determining whether to do so, the court "must weigh competing interests and maintain an even balance." Id. The district court should consider three factors: (1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation if the cases are in fact consolidated. La. Stadium & Exposition Dist. v. Fin. Guar. Ins. Co., No. 09-235, 2009 WL 926982, at \* 1 (E.D. La. Apr. 2, 2009).

Courts frequently grant stays in cases when an MDL decision is pending. District courts have granted motions to stay after finding that the plaintiff would not be prejudiced by a slight delay.

Falgoust v. Microsoft Corp., No. 00-779, 2000 WL 462919, at \*2 (E.D. La. Apr. 19, 2000); see La. Stadium, 2009 WL 926982, at \*1 (responsive pleadings due to MDL panel eighteen days after district court decision); Kennedy v. Novartis Pharm., Corp., No. 02-2331, 2002 WL 31051601 (E.D. La. Sept. 12, 2001) (MDL panel had already ordered a conditional order of transfer, Court anticipated a three to four week delay); Tench v. Jackson Nat'l Life Ins. Co., No. 99-5182, 1999 WL 1044923, at \*2 (N.D. Ill. Nov. 12, 1999) (MDL panel hearing only one week away); Good v. Prudential Ins. Co. of Am., 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (MDL panel had already ordered a conditional order of transfer). In Falgoust, for example, the court determined that the hardship faced by the defendant forced to litigate in multiple courts and potentially forced to suffer conflicting rulings outweighed the prejudice to the plaintiff caused by delay. Falgoust, 2000 WL 462919, at \*2.

## II.

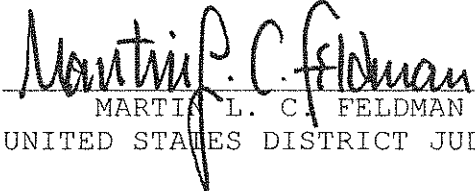
The present litigation compels a stay. A delay of a few months, while longer than some of the cases cited by the parties, is, nonetheless, slight when compared to the hardship to the defendants and the interests of judicial economy. The Court notes that there is no evidence of spoliation of evidence, and sanctions will remain available if the defendants engage in prohibited conduct. Further, if emergency relief is needed, a stay can always be lifted.

With at least seventy lawsuits in different districts, the defendants face the burden of litigating in multiple jurisdictions. More importantly, between the various lawyers and judges on the cases, there is a grave potential for conflicting discovery orders. This poses not only a hardship for the defendants, but mocks an efficient and orderly judicial system.

The Court finds that the prejudice to the plaintiff caused by a delay of months is outweighed by the hardship to the defendants and the interests of judicial economy. Accordingly, the defendants motion is GRANTED.

IT IS ORDERED: that all proceedings in this case are temporarily stayed, pending the MDL Panel's final decision on whether to consolidate.

New Orleans, Louisiana, May 25, 2010.

  
MARTIN L. C. FELDMAN  
UNITED STATES DISTRICT JUDGE

[9]

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

T&D FISHERY, LLC, ET AL.

CIVIL ACTION

VERSUS

NO. 10-1332

BP, PLC, ET AL.

SECTION "F"

ORDER AND REASONS

Before the Court are three motions: (1) defendants BP Products North America, Inc.'s and BP America, Inc.'s motion for stay of proceedings pending transfer by the Judicial Panel on Multidistrict Litigation; (2) defendant Halliburton Energy Services, Inc.'s motion for stay; and (3) plaintiffs' motion for relief. For the following reasons, the defendants' motions for stay are GRANTED and the plaintiffs' motion for relief is DENIED as moot.<sup>1</sup>

Background

On April 20, 2010, the Deepwater Horizon oil rig exploded into flames and sank; oil began spilling into the Gulf of Mexico causing an oil slick on the surface of the water and plumes of oil beneath. As the days and weeks passed, the oil spill had not yet been

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<sup>1</sup>The plaintiffs did not submit an opposition to the defendants' motions to stay and the defendants did not submit an opposition to the plaintiffs' motion for relief. However, the plaintiffs assert in their motion for relief that Transocean's Notice of Filing (relating to the limitation proceeding pending in Texas district court) should be declared null and void to the extent it purports to stay this case. Because the Court finds a discretionary stay is appropriate pending transfer by the MDL Panel, the Court need not reach the issue raised by the plaintiffs.

contained, and parties began filing damage suits for personal injuries, injury to their business interests, and injuries to their property. This is one of those lawsuits.

On May 7, 2010, BP moved to consolidate the many cases<sup>2</sup> related to the Deepwater Horizon explosion before the Judicial Panel for Multidistrict Litigation pursuant 28 U.S.C. § 1407. The motion is expected to be heard in late July 2010. The Transocean defendants filed a limitation action as owners and operators of the Deepwater Horizon in the Southern District of Texas, Houston Division. On May 13, 2010, that district court ordered all persons claiming damages for any losses or injuries occasioned during the Deepwater Horizon catastrophe be notified to file their claims with that court, or have their claims be forever barred. The court also ordered the beginning or continued prosecution of any actions against the Transocean entities or the Deepwater Horizon be "enjoined, stayed and restrained."

#### Law and Analysis

##### I.

A pending transfer motion before the MDL panel does not deprive the district court in which the action is then pending of jurisdiction over pretrial matters. J.P.M.L.R. PROC. 1.5.; see In re Air Crash Disaster at Paris, France, on Mar. 3, 1974, 376 F. Supp.

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<sup>2</sup>According to the defendants, at least 70 cases have been filed in various state and federal courts; and at least 59 of these are styled as class actions.

887, 888 (J.P.M.L. 1974) (“[T]he mere pendency of a motion before the Panel does not affect or suspend orders and discovery proceedings in the transferor district court . . . .”). The MDL Panel has observed that “the use of stay orders by the district courts, particularly in the area of discovery, is usually undesirable,” while “[a] stay of proceedings concerning questions common to all cases, such as class representation, may be appropriate to preserve the question for the transferee judge and avoid inconsistent rulings.” In re Penn Cent. Sec. Lit., 333 F. Supp. 382, 384 n.4 (J.P.M.L. 1971). Nonetheless, the matter of a stay “is within the sole discretion of the transferor judges.” In re Air Crash Disaster, 376 F. Supp. at 888.

Indeed, incidental to its power to control the disposition of its docket, a district court has the inherent power to stay proceedings. Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936). When determining whether to do so, the Court “must weigh competing interests and maintain an even balance.” Id. The Court should consider three factors: (1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation if the cases are in fact consolidated. La. Stadium & Exposition Dist. v. Fin. Guar. Ins. Co., No. 09-235, 2009 WL 926982, at \* 1 (E.D. La. Apr. 2, 2009).

Courts frequently grant stays in cases when an MDL decision is pending. District courts have granted motions to stay after finding that the plaintiff would not be prejudiced by a slight delay. Falgoust v. Microsoft Corp., No. 00-779, 2000 WL 462919, at \*2 (E.D. La. Apr. 19, 2000); see La. Stadium, 2009 WL 926982, at \*1 (responsive pleadings due to MDL panel eighteen days after district court decision); Kennedy v. Novartis Pharm., Corp., No. 02-2331, 2002 WL 31051601 (E.D. La. Sept. 12, 2001) (MDL panel had already ordered a conditional order of transfer, Court anticipated a three to four week delay); Tench v. Jackson Nat'l Life Ins. Co., No. 99-5182, 1999 WL 1044923, at \*2 (N.D. Ill. Nov. 12, 1999) (MDL panel hearing only one week away); Good v. Prudential Ins. Co. of Am., 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (MDL panel had already ordered a conditional order of transfer). In Falgoust, for example, the court determined that the hardship faced by the defendant forced to litigate in multiple courts and potentially forced to suffer conflicting rulings outweighed the prejudice to the plaintiff caused by delay. Falgoust, 2000 WL 462919, at \*2.

## II.

The present litigation compels a stay. A delay of a few months, while longer than some of the cases cited by the parties, is, nonetheless, slight when compared to the hardship to the defendants and the interests of judicial economy. The Court notes that there is no evidence of spoliation of evidence, and sanctions



will remain available if the defendants engage in prohibited conduct. Further, if emergency relief is needed, a stay can always be lifted.

With at least seventy lawsuits in different districts, the defendants face the burden of litigating in multiple jurisdictions. More importantly, between the various lawyers and judges on the cases, there is a grave potential for conflicting discovery orders. This poses not only a hardship for the defendants, but mocks an efficient and orderly judicial system.

The Court finds that the prejudice to the plaintiff caused by a delay of months is outweighed by the hardship to the defendants and the interests of judicial economy. Accordingly, the defendants' motions are GRANTED and the plaintiffs' motion for relief is DENIED as moot.

IT IS ORDERED: that all proceedings in this case are temporarily stayed, pending the MDL Panel's final decision on whether to consolidate.

New Orleans, Louisiana, June 2, 2010.

  
MARTIN L. C. FELDMAN  
UNITED STATES DISTRICT JUDGE

[10]

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

GULF CROWN SEAFOOD, INC.	CIVIL ACTION
VERSUS	NO. 10-1344
BP, PLC, ET AL.	SECTION "F"

ORDER AND REASONS

Before the Court are two motions: (1) defendants BP Products North America, Inc.'s and BP America, Inc.'s motion for stay of proceedings pending transfer by the Judicial Panel on Multidistrict Litigation; and (2) defendant Halliburton Energy Services, Inc.'s motion for stay. For the following reasons, the motions are GRANTED.

Background

On April 20, 2010, the Deepwater Horizon oil rig exploded into flames and sank; oil began spilling into the Gulf of Mexico causing an oil slick on the surface of the water and plumes of oil beneath. As the days and weeks passed, the oil spill had not yet been contained, and parties began filing damage suits for personal injuries, injury to their business interests, and injuries to their property. This is one of those lawsuits.

On May 7, 2010, BP moved to consolidate the many cases<sup>1</sup>

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<sup>1</sup>According to the defendants, at least 70 cases have been filed in various state and federal courts; and at least 59 of these are styled as class actions.

related to the Deepwater Horizon explosion before the Judicial Panel for Multidistrict Litigation pursuant 28 U.S.C. § 1407. The motion is expected to be heard in late July 2010. The Transocean defendants filed a limitation action as owners and operators of the Deepwater Horizon in the Southern District of Texas, Houston Division. On May 13, 2010, that district court ordered all persons claiming damages for any losses or injuries occasioned during the Deepwater Horizon catastrophe be notified to file their claims with that court, or have their claims be forever barred. The court also ordered the beginning or continued prosecution of any actions against the Transocean entities or the Deepwater Horizon be "enjoined, stayed and restrained."

Law and Analysis

I.

A pending transfer motion before the MDL panel does not deprive the district court in which the action is then pending of jurisdiction over pretrial matters. J.P.M.L.R. PROC. 1.5.; see In re Air Crash Disaster at Paris, France, on Mar. 3, 1974, 376 F. Supp. 887, 888 (J.P.M.L. 1974) ("[T]he mere pendency of a motion before the Panel does not affect or suspend orders and discovery proceedings in the transferor district court . . . ."). The MDL Panel has observed that "the use of stay orders by the district courts, particularly in the area of discovery, is usually undesirable," while "[a] stay of proceedings concerning questions

common to all cases, such as class representation, may be appropriate to preserve the question for the transferee judge and avoid inconsistent rulings." In re Penn Cent. Sec. Lit., 333 F. Supp. 382, 384 n.4 (J.P.M.L. 1971). Nonetheless, the matter of a stay "is within the sole discretion of the transferor judges." In re Air Crash Disaster, 376 F. Supp. at 888.

Indeed, incidental to its power to control the disposition of its docket, a district court has the inherent power to stay proceedings. Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936). When determining whether to do so, the Court "must weigh competing interests and maintain an even balance." Id. The Court should consider three factors: (1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation if the cases are in fact consolidated. La. Stadium & Exposition Dist. v. Fin. Guar. Ins. Co., No. 09-235, 2009 WL 926982, at \* 1 (E.D. La. Apr. 2, 2009).

Courts frequently grant stays in cases when an MDL decision is pending. District courts have granted motions to stay after finding that the plaintiff would not be prejudiced by a slight delay. Falgoust v. Microsoft Corp., No. 00-779, 2000 WL 462919, at \*2 (E.D. La. Apr. 19, 2000); see La. Stadium, 2009 WL 926982, at \*1 (responsive pleadings due to MDL panel eighteen days after district

court decision); Kennedy v. Novartis Pharm., Corp., No. 02-2331, 2002 WL 31051601 (E.D. La. Sept. 12, 2001) (MDL panel had already ordered a conditional order of transfer, Court anticipated a three to four week delay); Tench v. Jackson Nat'l Life Ins. Co., No. 99-5182, 1999 WL 1044923, at \*2 (N.D. Ill. Nov. 12, 1999) (MDL panel hearing only one week away); Good v. Prudential Ins. Co. of Am., 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (MDL panel had already ordered a conditional order of transfer). In Falgoust, for example, the court determined that the hardship faced by the defendant forced to litigate in multiple courts and potentially forced to suffer conflicting rulings outweighed the prejudice to the plaintiff caused by delay. Falgoust, 2000 WL 462919, at \*2.

## II.

The present litigation compels a stay. A delay of a few months, while longer than some of the cases cited by the parties, is, nonetheless, slight when compared to the hardship to the defendants and the interests of judicial economy. The Court notes that there is no evidence of spoliation of evidence, and sanctions will remain available if the defendants engage in prohibited conduct. Further, if emergency relief is needed, a stay can always be lifted.

With at least seventy lawsuits in different districts, the defendants face the burden of litigating in multiple jurisdictions. More importantly, between the various lawyers and judges on the

cases, there is a grave potential for conflicting discovery orders. This poses not only a hardship for the defendants, but mocks an efficient and orderly judicial system.

The Court finds that the prejudice to the plaintiff caused by a delay of months is outweighed by the hardship to the defendants and the interests of judicial economy. Accordingly, the defendants' motions are GRANTED.

IT IS ORDERED: that all proceedings in this case are temporarily stayed, pending the MDL Panel's final decision on whether to consolidate.

New Orleans, Louisiana, June 1, 2010.

  
\_\_\_\_\_  
MARTIN L. C. FELDMAN  
UNITED STATES DISTRICT JUDGE

[11]



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JAMES J. FRILOUX, ET AL.

CIVIL ACTION

v.

NO. 10-1246

BP, PLC, ET AL.

SECTION "F"

ORDER AND REASONS

Before the Court are two motions: (1) defendants BP Products North America, Inc.'s and BP America, Inc.'s motion for stay of proceedings pending transfer by the Judicial Panel on Multidistrict Litigation; and (2) defendant Halliburton Energy Services, Inc.'s motion for stay. For the following reasons, the motions are GRANTED.

Background

On April 20, 2010, the Deepwater Horizon oil rig exploded into flames and sank; oil began spilling into the Gulf of Mexico causing an oil slick on the surface of the water and plumes of oil beneath. As the days and weeks passed, the oil spill had not yet been contained, and parties began filing damage suits for personal injuries, injury to their business interests, and injuries to their property. This is one of those lawsuits.

On May 7, 2010, BP moved to consolidate the many cases<sup>1</sup>

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<sup>1</sup>According to the defendants, at least 90 cases have been filed in various state and federal courts; and at least 59 of these are styled as class actions.

related to the Deepwater Horizon explosion before the Judicial Panel for Multidistrict Litigation pursuant 28 U.S.C. § 1407. The motion is expected to be heard in late July 2010. The Transocean defendants filed a limitation action as owners and operators of the Deepwater Horizon in the Southern District of Texas, Houston Division. On May 13, 2010, that district court ordered all persons claiming damages for any losses or injuries occasioned during the Deepwater Horizon catastrophe be notified to file their claims with that court, or have their claims be forever barred. The court also ordered the beginning or continued prosecution of any actions against the Transocean entities or the Deepwater Horizon be "enjoined, stayed and restrained."

Law and Analysis

I.

A pending transfer motion before the MDL panel does not deprive the district court in which the action is then pending of jurisdiction over pretrial matters. J.P.M.L.R. PROC. 1.5.; see In re Air Crash Disaster at Paris, France, on Mar. 3, 1974, 376 F. Supp. 887, 888 (J.P.M.L. 1974) ("[T]he mere pendency of a motion before the Panel does not affect or suspend orders and discovery proceedings in the transferor district court . . . ."). The MDL Panel has observed that "the use of stay orders by the district courts, particularly in the area of discovery, is usually undesirable," while "[a] stay of proceedings concerning questions

common to all cases, such as class representation, may be appropriate to preserve the question for the transferee judge and avoid inconsistent rulings." In re Penn Cent. Sec. Lit., 333 F. Supp. 382, 384 n.4 (J.P.M.L. 1971). Nonetheless, the matter of a stay "is within the sole discretion of the transferor judges." In re Air Crash Disaster, 376 F. Supp. at 888.

Indeed, incidental to its power to control the disposition of its docket, a district court has the inherent power to stay proceedings. Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936). When determining whether to do so, the Court "must weigh competing interests and maintain an even balance." Id. The Court should consider three factors: (1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation if the cases are in fact consolidated. La. Stadium & Exposition Dist. v. Fin. Guar. Ins. Co., No. 09-235, 2009 WL 926982, at \* 1 (E.D. La. Apr. 2, 2009).

Courts frequently grant stays in cases when an MDL decision is pending. District courts have granted motions to stay after finding that the plaintiff would not be prejudiced by a slight delay. Falgoust v. Microsoft Corp., No. 00-779, 2000 WL 462919, at \*2 (E.D. La. Apr. 19, 2000); see La. Stadium, 2009 WL 926982, at \*1 (responsive pleadings due to MDL panel eighteen days after district

court decision); Kennedy v. Novartis Pharm., Corp., No. 02-2331, 2002 WL 31051601 (E.D. La. Sept. 12, 2001) (MDL panel had already ordered a conditional order of transfer, Court anticipated a three to four week delay); Tench v. Jackson Nat'l Life Ins. Co., No. 99-5182, 1999 WL 1044923, at \*2 (N.D. Ill. Nov. 12, 1999) (MDL panel hearing only one week away); Good v. Prudential Ins. Co. of Am., 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (MDL panel had already ordered a conditional order of transfer). In Falgoust, for example, the court determined that the hardship faced by the defendant forced to litigate in multiple courts and potentially forced to suffer conflicting rulings outweighed the prejudice to the plaintiff caused by delay. Falgoust, 2000 WL 462919, at \*2.

## II.

The present litigation compels a stay. A delay of a few months, while longer than some of the cases cited by the parties, is, nonetheless, slight when compared to the hardship to the defendants and the interests of judicial economy. The Court notes that there is no evidence of spoliation of evidence, and sanctions will remain available if the defendants engage in prohibited conduct. Further, if emergency relief is needed, a stay can always be lifted.

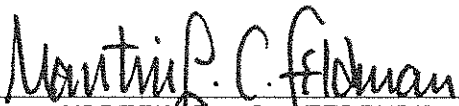
With at least seventy lawsuits in different districts, the defendants face the burden of litigating in multiple jurisdictions. More importantly, between the various lawyers and judges on the

cases, there is a grave potential for conflicting discovery orders. This poses not only a hardship for the defendants, but mocks an efficient and orderly judicial system.

The Court finds that the prejudice to the plaintiff caused by a delay of months is outweighed by the hardship to the defendants and the interests of judicial economy. Accordingly, the defendants' motions are GRANTED.

IT IS ORDERED: that all proceedings in this case are temporarily stayed, pending the MDL Panel's final decision on whether to consolidate.

New Orleans, Louisiana, June 1, 2010.

  
\_\_\_\_\_  
MARTIN L. C. FELDMAN  
UNITED STATES DISTRICT JUDGE

**[12]**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FISHING MAGICIANS CHARTERS, LLC, ET AL.

CIVIL ACTION

VERSUS

NO. 10-1338

BP, PLC, ET AL.

SECTION "F"

ORDER

Local Rule 07.5E of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed eight days prior to the date set for hearing on the motion. No memoranda in opposition to the defendant Halliburton Energy Services, Inc.'s motion for stay of proceedings pending transfer by the Judicial Panel on Multidistrict Litigation, set for hearing on June 2, 2010, has been timely submitted.

Accordingly, this motion is deemed to be unopposed, and further, it appearing to the Court that the motion has merit,<sup>1</sup>

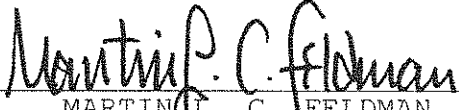
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<sup>1</sup> The defendant has shown that a stay pending transfer by the MDL panel is warranted. In determining whether a stay is appropriate, courts generally consider three factors: (1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation if the cases are in fact consolidated. La. Stadium & Exposition Dist. v. Fin. Guar. Ins. Co., No. 09-235, 2009 WL 926982, at \* 1 (E.D. La. Apr. 2, 2009). With at least eighty lawsuits in different districts, the defendants face the burden of litigating in multiple jurisdictions. More importantly, between the various lawyers and judges on the cases, there is a grave potential for conflicting discovery orders. This poses not only a hardship for the defendants, but mocks an efficient and orderly

IT IS ORDERED that the defendant's motion for stay of proceedings pending transfer is GRANTED as unopposed.

IT IS ORDERED: that all proceedings in this case are temporarily stayed, pending the MDL Panel's final decision on whether to consolidate.

New Orleans, Louisiana, June 2, 2010.

  
MARTIN L. C. FELDMAN  
UNITED STATES DISTRICT JUDGE

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judicial system. Accordingly, as the Court has determined in identical cases pending before it, the Court finds that the prejudice to the plaintiff caused by a delay of months is outweighed by the hardship to the defendants and the interests of judicial economy.



**[13]**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

ELLIS SCHOUEST, III and JAMES  
JOSEPH GEORGE, JR.

versus

BP PRODUCTS NORTH AMERICA,  
INC.; BP AMERICA, INC.; BP, plc;  
TRANSOCEAN, LTD; TRANSOCEAN  
OFFSHORE DEEPWATER  
DRILLING, INC.; TRANSOCEAN  
DEEPWATER, INC.; CAMERON  
INTERNATIONAL CORPORATION  
and HALLIBURTON ENERGY  
SERVICES, INC.

\* CIVIL ACTION  
\* NO. CV-10-00727  
\* SECTION  
\* JUDGE TUCKER L. MELANCON  
\* MAGISTRATE HILL  
\*  
\*

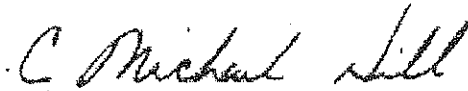
ORDER

CONSIDERING THE FOREGOING Motion for Stay of Proceedings Pending Transfer by the Judicial Panel on Multidistrict Litigation filed by defendants BP Products North America Inc. and BP America Inc. (collectively the "BP Defendants");

IT IS HEREBY ORDERED that the above-captioned action is temporarily stayed until ten (10) days after the date on which the Judicial Panel on Multidistrict Litigation ("JPML") issues an Order deciding the pending motion(s) to transfer and consolidate cases filed in connection or in relation to *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010*, MDL Docket No. 2179, pursuant to 28 U.S.C. § 1407;

IT IS FURTHER ORDERED that the BP Defendants are hereby required to notify the Court, or cause it to be notified, of the disposition of the Motion to Transfer and/or any related motion before the JPML.

FURTHER ORDERED that counsel for BP defendants shall notify the undersigned by telephone on September 15, 2010 if no transfer has Lafayette, Louisiana, this 12 day of May, 2010. occurred.



C. MICHAEL BILL  
UNITED STATES MAGISTRATE JUDGE

**[14]**

MAY 24 2010

TONY R. MOORE, CLERK  
BY                      DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

**MATTHEWS GASKINS, individually  
and on behalf of all others similarly  
situated**

**versus**

**BP, plc, BP PRODUCTS NORTH  
AMERICA, INC., BP AMERICA, INC.,  
BP EXPLORATION & PRODUCTION,  
INC., TRANSOCEAN, LTD.,  
TRANSOCEAN OFFSHORE  
DEEPWATER DRILLING, INC.,  
TRANSOCEAN DEEPWATER  
INC., HALLIBURTON ENERGY  
SERVICES, INC., and CAMERON  
INTERNATIONAL CORPORATION  
f/k/a COOPER CAMERON  
CORPORATION**

\* CIVIL ACTION  
\* NO. CV-10-00738  
\* SECTION  
\* DIVISION  
\* JUDGE PATRICIA MINALDI  
\* MAGISTRATE HILL  
\*

**ORDER**

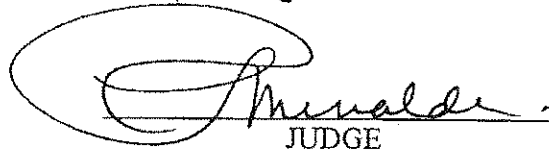
CONSIDERING THE FOREGOING Motion for Stay of Proceedings Pending Transfer by the Judicial Panel on Multidistrict Litigation filed by defendants BP Exploration & Production Inc., BP Products North America Inc., and BP America Inc. (collectively the "BP Defendants");

IT IS HEREBY ORDERED that the above-captioned action is temporarily stayed until ten (10) days after the date on which the Judicial Panel on Multidistrict Litigation ("JPML") issues an Order deciding the pending motion(s) to transfer and consolidate cases filed in

connection or in relation to *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010*, MDL Docket No. 2179, pursuant to 28 U.S.C. § 1407;

IT IS FURTHER ORDERED that the BP Defendants are hereby required to notify the Court, or cause it to be notified, of the disposition of the Motion to Transfer and/or any related motion before the JPML.

John Charles Louisiana, this 22 day of May 2010.

  
JUDGE

**[15]**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

GEORGE WEEMS WARD, et al.

Plaintiffs,

vs.

CASE NO.: 4:10-CV-157-SPM/WCS

BP PLC, et al.,

Defendants.

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ORDER STAYING ALL PROCEEDINGS  
PENDING JPML DECISION

THIS CAUSE comes before the Court upon the BP Defendants' Unopposed Motion to Stay the Proceedings (doc. 4). This case involves a suit to recover damages arising out of a recent oil rig explosion and ensuing oil spill from a BP oil well. Defendants request that this Court stay all proceedings in this case pending a ruling from the Judicial Panel on Multidistrict Litigation ("JPML") on whether several related cases involving this incident, including the instant case, will be consolidated. The Court finds this request to be reasonable, as the stay will preserve judicial resources in the event that the cases are ultimately consolidated. Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. The BP Defendants' Motion to Stay (doc. 4) is hereby **granted**.



2. All proceedings in this case are temporarily stayed, pending the JPML's final decision on whether to consolidate the actions arising from the BP oil rig explosion and subsequent oil spill.
3. Parties shall file a status report as soon as a decision has been made by the JPML as to the request to consolidate the cases.

DONE AND ORDERED this thirteenth day of May, 2010.

*s/ Stephan P. Mickle*

Stephan P. Mickle  
Chief United States District Judge

**[16]**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

JOE PATTI SEAFOOD COMPANY,  
SOUTHERN SEAFOOD OF PACE, INC.,  
PREMIER ISLAND MANAGEMENT  
GROUP, LLC, ROOKS MARINA, INC.,  
PHAN TRAN, BAY BREEZE AQUATICS &  
DIVE CENTER, LLC, BENJAMIN MARVIN  
NICHOLS, TONY LYNN, LLC,  
REEL EAZY CHARTERS, LLC, and  
MEGA-BITE INSHORE CHARTERS,  
Individually and on behalf of others  
similarly situated,

Plaintiffs,

v.

CASE NO.: 3:10cv137/MCR/MD

TRANSOCEAN, LTD., et al.,

Defendants.

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**ORDER OF STAY**

This matter is before the court on the motion for stay of proceedings pending transfer to the Judicial Panel on Multidistrict Litigation (doc. 24) filed by BP America, Inc. and BP Products of North America, Inc., and plaintiff's response in opposition (doc. 28).

The court has carefully considered the positions of all parties, and so doing, finds the motion to stay well-taken. The interests of judicial economy, including the need to avoid duplicative litigation and conserve judicial resources, together with the hardship to the defendants' of having to separately defend in excess of eighty law suits in five different states<sup>1</sup>, many of which are filed as class actions, with the significant risk of inconsistent

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<sup>1</sup> It is likely that the number of law suits in the Gulf Coast region will increase with time, as the impact of the oil spill extends further east and west. As of this time, seventeen law suits have been filed in this district and assigned to six different judges, five of them to the undersigned.

pretrial rulings, far outweigh the potential for prejudice to the plaintiffs from having a stay in place until the multidistrict litigation panel decides the transfer issue. Accordingly, all future proceedings in this case are STAYED until further order of the court. The defendant BP America, Inc., will be required to file a written report with the court on the status of the JPML proceedings on August 9, 2010, and every sixty days thereafter until such time as the motion to transfer is decided.

**DONE and ORDERED** this 26th day of May, 2010.

sl *M. Casey Rodgers*  
**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**

**[17]**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

STACEY P. WALSH

VS

CASE NO. 3:10cv143-RV/MD

BRITISH PETROLEUM, PLC, et al.

REFERRAL AND ORDER

Referred to Judge Vinson on 05/27/2010  
Type of Motion/Pleading MOTION FOR STAY OF PROCEEDINGS PENDING  
TRANSFER BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION  
Filed by: BP Defendants on 5/14/10 Doc. No. 7

RESPONSES:

Plaintiff on 5/26/10 Doc. No. 17  
on \_\_\_\_\_ Doc. No. \_\_\_\_\_  
WILLIAM M. McCOOL, CLERK OF COURT

/s/ C. Justice  
Deputy Clerk

ORDER

Upon consideration of the foregoing, it is ORDERED this 28th day of  
May, 2010, that:

- (a) The requested relief is GRANTED.
- (b) \_\_\_\_\_  
\_\_\_\_\_

/s/ Roger Vinson  
ROGER VINSON  
SENIOR UNITED STATES DISTRICT JUDGE

Entered On Docket: \_\_\_\_\_ By: \_\_\_\_\_  
Rules 58 & 79(a) FRCP or 32(d)(1) & 55 FRCP  
Copies sent to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**[18]**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

CHARLES DOUGLASS, et al

VS

CASE NO.3:10cv136-MCR/MD

TRANSOCEANHOLDINGS, INC., et al.

REFERRAL AND ORDER

Referred to Judge Rodgers on May 13, 2010

Type of Motion/Pleading UNOPPOSED MOTION FOR STAY OF PROCEEDINGS  
PENDING TRANSFER BY THE JUDICIAL PANEL ON MULTIDISTRICT  
LITIGATION

Filed by: DEFENDANTS' - on 5/11/10 Doc. No. 4  
BP AMERICA INC,  
BP EXPLORATION AND  
PRODUCTION INC, &  
BP PRODUCTS NORTH  
AMERICA, INC

( ) Stipulated/Consented/Joint Pleading  
RESPONSES:

\_\_\_\_\_ on \_\_\_\_\_ Doc. No. \_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_ Doc. No. \_\_\_\_\_

WILLIAM M. MCCOOL, CLERK OF COURT

/s/Donna Bajzik  
Deputy Clerk: Donna Bajzik

ORDER

Upon consideration of the foregoing, it is ORDERED this 13th day of  
May, 2010, that:

The requested relief is GRANTED.

s/ M. Casey Rodgers  
M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE



**[19]**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

WATER STREET SEAFOOD INC, et al.,

Plaintiffs,

vs.

CASE NO.: 4:10-CV-162-SPM/WCS

BP PLC, et al.,

Defendants.

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**ORDER STAYING ALL PROCEEDINGS**  
**PENDING JPML DECISION**

THIS CAUSE comes before the Court upon the BP Defendants' Motion to Stay the Proceedings (doc. 6), which Defendant Halliburton Energy Services Inc. has joined (doc. 8). This case involves a suit to recover damages arising out of a recent oil rig explosion and ensuing oil spill from a BP oil well. Defendants request that this Court stay all proceedings in this case pending a ruling from the Judicial Panel on Multidistrict Litigation ("JPML") on whether several related cases involving this incident, including the instant case, will be consolidated. The Court finds this request to be reasonable, as the stay will preserve judicial resources in the event that the cases are ultimately consolidated. Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. The BP Defendants' Motion to Stay (doc. 6) is hereby **granted**.
2. All proceedings in this case are temporarily stayed, pending the JPML's final decision on whether to consolidate the actions arising from the BP oil rig explosion and subsequent oil spill.
3. Parties shall file a status report as soon as a decision has been made by the JPML as to the request to consolidate the cases.

DONE AND ORDERED this eighteenth day of May, 2010.

*s/ Stephan P. Mickle*

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Stephan P. Mickle  
Chief United States District Judge

**[20]**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

JOHN T. HARRIS, individually and for  
FV ST. ANDREW BAY - CHALLENGER, INC.,  
and on behalf of others similarly situated,

Plaintiffs,

v.

CASE NO.: 3:10cv129/MCR/MD

TRANSOCEAN, LTD., et al.,

Defendants.

---

**ORDER OF STAY**

This matter is before the court on the motion for stay of proceedings pending transfer to the Judicial Panel on Multidistrict Litigation (doc. 7) filed by BP America, Inc. and BP Products of North America, Inc., joined by Haliberton Energy Services, Inc. (doc. 12), and a notice of additional stays in similar proceedings filed by defendant Haliberton (doc. 15). The court is advised that plaintiff does not object to the requested stay.

The court has carefully considered the positions of all parties, and so doing, finds the motion to stay well-taken. The interests of judicial economy, including the need to avoid duplicative litigation and conserve judicial resources, together with the hardship to the defendants' of having to separately defend in excess of eighty law suits in five different states<sup>1</sup>, many of which are filed as class actions, with the significant risk of inconsistent pretrial rulings, far outweigh the potential for prejudice to the plaintiffs from having a stay in place until the multidistrict litigation panel decides the transfer issue. Accordingly, all

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<sup>1</sup> It is likely that the number of law suits in the Gulf Coast region will increase with time, as the impact of the oil spill extends further east and west. As of this time, seventeen law suits have been filed in this district and assigned to six different judges, five of them to the undersigned.

future proceedings in this case are STAYED until further order of the court. The defendant BP America, Inc., will be required to file a written report with the court on the status of the JPML proceedings on August 9, 2010, and every sixty days thereafter until such time as the motion to transfer is decided.

**DONE and ORDERED** this 26th day of May, 2010.

*sl M. Casey Rodgers*  
\_\_\_\_\_  
**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**