[21]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

DEWEY DESTIN, and individual; and EDGEWATER BEACH OWNERS ASSOCIATION, INC., a Florida condominium owners association, on their own behalf and on behalf of others similarly situated,

Plaintiffs,

v. CASE NO.: 3:10cv141/MCR/MD

BP, PLC; 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. 11) filed by BP America, Inc. and BP Products of North America, Inc., and by Haliberton Energy Services, Inc. (doc. 10), as well as plaintiff's response in opposition (doc. 17). Also before the court is a notice of additional stays in similar proceedings filed by defendant Haliberton (doc. 18).

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[1], many of which are filed as class actions, with the significant risk of inconsistent

[1] 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.[2] 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.

s/ *M. Casey Rodgers*

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE

[2] Plaintiffs' Emergency Motion for Preliminary Injunction (doc. 15) and Plaintiffs' Motion for Hearing and Expedited Briefing Schedule (doc. 16) are excepted from the stay.

[22]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MICHAEL D. SEVEL, *et al*	§	**PLAINTIFFS**
	§	
v.	§	**Civil No. 1:10cv179-HSO-JMR**
	§	
BP, PLC, BP PRODUCTS NORTH AMERICA, INC., *et al.*	§	**DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP Exploration & Production, Inc., BP America Inc. and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with

economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 27th day of May, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[23]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

PAUL HOPPER, d/b/a HOPPER SEAFOOD, d/b/a GRAND BATURE SEAFOOD, Individually and on behalf of all others similarly situated	§	**PLAINTIFFS**
v.	§	**Civil No. 1:10cv173-HSO-JMR**
CAMERON INTERNATIONAL CORPORATION f/k/a COOPER CAMERON CORPORATION, *et al.*.	§	**DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 27th day of May, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[24]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CAJUN MAID, LLC, *et al*	§	**PLAINTIFFS**
	§	
v.	§	**Civil No. 1:10cv176-HSO-JMR**
	§	
BP, PLC, BP AMERICA, INC., *et al.*	§	**DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for the litigants." *Landis v.*

North American Co., 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 27th day of May, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[25]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HIEP TRIEU, *et al.* **PLAINTIFFS**

VERSUS **CIVIL ACTION NO. 1:10cv177-LG-RHW**

BP EXPLORATION and PRODUCTION, INC., *et al.* **DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANT'S MOTION FOR STAY OF PROCEEDINGS

Before the Court is [2] a motion filed by Defendant BP Exploration and Production, Inc. (BPXP) seeking a stay of proceedings pending a decision by the Judicial Panel on Multidistrict Litigation (JPML) on whether to transfer this matter to multidistrict litigation (MDL). After consideration of the motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds the motion should be granted.

According to BPXP, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. [2, p. 1] BPXP seeks a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ("BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. [2, p. 2]

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of

these proceedings will promote judicial economy. Therefore the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's motion to transfer. It is therefore,

ORDERED AND ADJUDGED that, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL. It is further,

ORDERED AND ADJUDGED that, in light of the stay, no answer to the complaint shall be required at this time, which renders moot [8] BPXP's motion for extension of time to answer.

SO ORDERED AND ADJUDGED, this the 1st day of June, 2010.

/s/ *Robert H. Walker*
ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE

[26]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JESSICA STALEY **PLAINTIFF**

VERSUS **CIVIL ACTION NO. 1:10cv181-LG-RHW**

CAMERON INTERNATIONAL CORPORATION, *et al.* **DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

Before the Court is [2] a motion filed by Defendants BP Products North America, Inc., and BP America, Inc., (the BP Defendants) seeking a stay of proceedings pending a decision by the Judicial Panel on Multidistrict Litigation (JPML) on whether to transfer this matter to multidistrict litigation (MDL). After consideration of the motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds the motion should be granted.

According to the BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. [2, p. 2] BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ("BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. [2, p. 2]

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiff will not be unduly prejudiced if these proceedings are stayed

pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's motion to transfer. It is therefore,

ORDERED AND ADJUDGED that, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL. It is further,

ORDERED AND ADJUDGED that, in light of the stay, no answer to the complaint shall be required at this time.

SO ORDERED AND ADJUDGED, this the 1st day of June, 2010.

/s/ *Robert H. Walker*

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE

[27]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

RONNIE DANIELS, *et al.*	§	**PLAINTIFFS**
	§	
v.	§	**Civil No. 1:10cv182-HSO-JMR**
	§	
CAMERON INTERNATIONAL CORPORATION, *et al.*	§	**DEFENDANTS**
	§	

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with

economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 2nd th day of June, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[28]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

STACEY VAN DUYN, *et al.*	§	**PLAINTIFFS**
	§	
v.	§	**Civil No. 1:10cv183-HSO-JMR**
	§	
CAMERON INTERNATIONAL CORPORATION, *et al.*	§	**DEFENDANTS**
	§	

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with

economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 2nd th day of June, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[29]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ALEEN GRIESHABER, *et al.*	§	**PLAINTIFFS**
	§	
v.	§	**Civil No. 1:10cv185-HSO-JMR**
	§	
BP PRODUCTS NORTH AMERICA, INC., *et al.*	§	**DEFENDANTS**
	§	

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with

economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 2nd th day of June, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[30]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MONICA C. MONTAGNET	§	**PLAINTIFF**
	§	
v.	§	**Civil No. 1:10cv201-HSO-JMR**
	§	
TRANSOCEAN, LTD, *et al.*	§	**DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with

economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 2nd th day of June, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[31]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CAO NGUYEN, *Individually and on behalf of all others similarly situated*	§	**PLAINTIFF**
v.	§	**Civil No. 1:10cv236-HSO-JMR**
TRANSOCEAN, LTD, *et al.*	§	**DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with

economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 2nd th day of June, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[32]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

BRIAN HOWARD'S CHARTER FISHING LLC, *et al*	§	**PLAINTIFFS**
v.	§	**Civil No. 1:10cv207-HSO-JMR**
TRANSOCEAN, LTD, *et al.*	§	**DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with

economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 2nd th day of June, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[33]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DANIEL BARKER, *on behalf of*	§	**PLAINTIFF**
Himself and others similarly situated	§	
	§	
v.	§	**Civil No. 1:10cv225-HSO-JMR**
	§	
BP, PLC, *et al.*	§	**DEFENDANTS**

ORDER GRANTING CERTAIN DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS

BEFORE THE COURT is a Motion for Stay of Proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ["JPML"] on whether to transfer this matter to multidistrict litigation ["MDL"]. The instant Motion was filed by Defendants BP America, Inc., and BP Products North America, Inc. ["BP Defendants"]. After consideration of the Motion, the related pleadings, the record in this case, and the relevant legal authorities, and for the reasons discussed below, the Court finds that the Motion should be granted.

According to BP Defendants, this case is one of at least seventy (70) related cases filed in various state and federal courts in the southeastern United States arising out of an explosion and fire onboard Transocean's Deepwater Horizon drilling rig on April 20, 2010, and the ensuing oil spill. *See* Mot. to Stay, at p. 2. BP Defendants seek a stay of this case, pending a decision by the JPML concerning a Motion to Transfer which BP Exploration & Production Inc. ["BPXP"], filed on May 7, 2010, in *In re: Deepwater Horizon Incident Litig.*, MDL No. 2179. *See id.*

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiffs will not be unduly prejudiced if these proceedings are stayed pending a decision by the JPML on a possible transfer. The Court further finds that a stay of these proceedings will promote judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case, pending a decision by the JPML on BPXP's Motion to Transfer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all proceedings in this case are hereby stayed pending a decision by the JPML on whether this case will be transferred to MDL.

IT IS, FURTHER, ORDERED AND ADJUDGED that, in light of the stay, any other pending Motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert upon lifting of the stay.

SO ORDERED AND ADJUDGED, this the 2nd th day of June, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

[34]

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

JAMES F. MASON, JR., individually and on behalf of K & J, Inc.,	)	
Plaintiff,	)	
vs.	)	**CIVIL ACTION NO. 10-0191-CG-B**
TRANSOCEAN, LTD., BP, PLC, TRANSOCEAN LTD, (TRANSOCEAN ENTITY), TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INC., (TRANSOCEAN ENTITY), TRANSOCEAN DEEPWATER, INC., (TRANOCEAN ENTITY), BP PRODUCTS NORTH AMERICA, INC., HALLIBURTON ENERGY SERVICES, INC., CAMERON INTERNATIONAL CORPORATION, and BP AMERICA,	)	
Defendants.	)	

ORDER

This matter is before the court on the motion for stay of proceedings pending transfer by the Judicial Panel on Multidistrict Litigation (Doc. 7) filed by BP America, Inc. and BP Products of North America, Inc., plaintiff's response in opposition (Doc. 12), the notice of complaint and petition for exoneration from or limitation of liability, order restraining prosecution of claims, and related orders and papers filed by Transocean Offshore Deepwater Drilling Inc., and Transocean Deepwater, Inc. (Doc. 13), and Halliburton Energy Services, Inc.'s joinder in the motion to stay (Doc. 16).

Upon due consideration of all matters presented, the court determines that the motion to stay is well taken, and hereby **GRANTS** said motion. This action hereby is **STAYED** pending receipt of the MDL Panel ruling on the motion to transfer and consolidate cases pursuant to 28

U.S.C. § 1407. This stay will remain in effect until the court is notified of the MDL Panel's decision concerning transfer.

DONE and ORDERED this 19th day of May, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE

[35]

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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[36]

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE: NEGLIGENCE, ENVIRONMENTAL DAMAGE, ECONOMIC LOSS, INJUNCTIVE RELIEF AND INTERNATIONAL LAW CLAIMS ARISING FROM GULF OF MEXICO OIL SPILL	MDL No. ____ MOTION TO (1) TRANSFER PURSUANT TO 28 U.S.C. § 1407 AND (2) FORMAT AND CAPTION CONSOLIDATED MDL PROCEEDING TO INCLUDE EXPANDED CLAIMS ORAL ARGUMENT REQUESTED

NOW COMES Nova Affiliated, S.A., Plaintiff in *Nova Affiliated, S.A. v. BP, plc, et al.*, 2:10-01313 I(2), currently pending in the United States District Court for the Eastern District of Louisiana, and hereby moves, by and through the undersigned counsel, that the Judicial Panel on Multidistrict Litigation (the "Panel") enter an order pursuant to 28 U.S.C. § 1407, (1) transferring for coordination to the Southern District of Texas, Houston Division, the cases listed in the Schedule of Actions attached hereto as Exhibit A. (2) Plaintiff Nova Affiliated further moves that these cases be consolidated and captioned in a manner that addresses the full spectrum of claims involved in this case, including but not limited to environmental and economic issues, claims for injunctive relief and international law issues. Plaintiff requests oral argument.

DATED: May 5, 2010

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[37]

BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MDL DOCKET NO.-

In Re: Gulf of Mexico Oil Contamination:

MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE EASTERN DISTRICT OF LOUISIANA PURSUANT TO US 28 U.S.C. §1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS

Daniel E. Becnel, Jr.
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Pursuant to 28 U.S.C. §1407 and Rule 7.2 of the Rules of Procedure of the Judicial Panel on MultiDistrict Litigation, plaintiffs in the action captioned Acy J. Cooper and Ronnie Louis Anderson, individually and on behalf of themselves and all other similarly situated, Plaintiffs, v. BP, plc, BP Products North America, Inc., BP America, Transocean, Ltd., Transocean Offshore Deepwater Drilling, Inc., Transocean Deepwater, Inc., , Inc. Halliburton Energy Services, Inc., and Cameron International Corporation f/k/a Cooper-Cameron Corporation, any and all additional related actions that may be brought to the attention of the Panel against similar defendants, to the United States District Court for the Eastern District of Louisiana before the Honorable Judge Ivan L.R. Lemelle.

As set forth below and in the accompanying Memorandum, Movants believe the actions listed on the accompanying Schedule of Actions (attached as Exhibit "A" to Plaintiffs' Memorandum of Law in Support of Motion for Transfer and Coordination or Consolidation

under 28 U.S.C. §1407) satisfy the requirements for consolidation and coordination because they concern common questions of fact and law and consolidation or coordination will serve the interest of efficiency and convenience.

In support of this Motion, Movants state as follows:

Movants are the named plaintiffs in the following action:

> Acy J. Cooper and Ronnie Louis Anderson, individually and on behalf of themselves and all other similarly situated Plaintiffs, v. BP, plc, BP Products North America, Inc., BP America, Inc.,Transoc ean, Ltd., Transocean Offshore Deepwater Drilling, Inc., Transocean Deepwater, Inc., Halliburton Energy Services, Inc., and Cameron International Corporation f/k/a Cooper-Cameron Corporation,

Movants bring this action against defendants based on the defendants' design, maintenance, and use of products and devices that allowed the contamination of the Gulf of Mexico, its adjoining coastal and marine environments, and subsequent damages to the marine industry.

Counsel for Movants are aware of the following other federal action containing virtually identical allegations and seeking similar relief against similar defendants. See Schedule of Actions.

For the foregoing reasons, Movants respectfully move this Panel for an order transferring all pending actions against defendants and any other additional related actions that may be brought to the attention of the Panel, to the United States District Court for the Eastern District of Louisiana before the Honorable Ivan L.R. Lemelle or, alternatively, Chief Judge Sarah S. Vance or Honorable Mary Ann Vial Lemmon.

Date: April 30, 2010

Respectfully submitted,

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[38]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE THE COMPLAINT AND PETITION OF TRITON ASSET LEASING GmbH, TRANSOCEAN HOLDINGS LLC, TRANSOCEAN OFFSHORE DEEPWATER DRILLING INC., AND TRANSOCEAN DEEPWATER INC.,AS OWNER, MANAGING OWNERS, OWNERS PRO-HAC VICE, AND/OR OPERATORS OF THE MODU DEEPWATER HORIZON, IN A CAUSE FOR EXONERATION FROM OR LIMITATION OF LIABILITY	§	C.A. NO. _____
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	§	
	§	Fed. R. Civ. P. 9(h)
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	§	
	§	
	§	
	§	IN ADMIRALTY

COMPLAINT AND PETITION FOR EXONERATION FROM OR LIMITATION OF LIABILITY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Petitioners, Triton Asset Leasing GmbH, Transocean Holdings LLC, Transocean Offshore Deepwater Drilling Inc., and Transocean Deepwater Inc., as Owner, Managing Owners, Owners *Pro Hac Vice*, and/or Operators, of the MODU *Deepwater Horizon*, her engines, gear, tackle, appurtenances, etc., in a cause of exoneration from or limitation of liability, civil and maritime, under Rule 9(h) of the Federal Rules of Civil Procedure and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims and in support thereof would respectfully show the Court as follows:

1.

This is a case of admiralty and maritime jurisdiction under 28 U.S.C. §1333 and is filed pursuant to Rule 9(h) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, all as hereinafter more fully appears.

2.

Petitioner Triton Asset Leasing GmbH is, and was at all material times hereinafter mentioned, a limited liability company organized and existing under the laws of the Swiss Confederation with its principal office in Zug, Switzerland.

3.

Petitioner Transocean Holdings LLC is, and was at all material times hereinafter mentioned, a limited liability company organized and existing under the laws of the State of Delaware, with its principal office in Houston, Texas.

4.

Petitioner Transocean Offshore Deepwater Drilling Inc. is, and was at all material times hereinafter mentioned, a corporation organized and existing under the laws of the State of Delaware, with its principal office in Houston, Texas.

5.

Petitioner Transocean Deepwater Inc. is, and was at all material times hereinafter mentioned, a corporation organized and existing under the laws of the State of Delaware, with its principal office in Houston, Texas.

6.

Petitioners were at all times material hereto the Owner, Managing Owners, Owners *Pro Hac Vice*, and/or Operators, of the MODU *Deepwater Horizon*, etc., and/or are considered "owners" of the vessel under the Limitation of Liability Act, 46 U.S.C. 30501 *et seq.*, as a party or parties sought to be held liable "as owner" of the MODU *Deepwater Horizon*, per the claims set forth in Paragraph 14, *infra*, and accordingly are entitled to the protections afforded by the

Limitation of Liability Act. *See In re Magnolia Marine Transport Co.*, 2003 A.M.C. 2425 (E.D. Okla. 2003); *In re Shell Oil Company*, 780 F. Supp. 1086 (E.D. La. 1991).

7.

Prior to the occurrence of the casualty herein described, the MODU *Deepwater Horizon* was a fifth-generation mobile offshore drilling unit having a burden of 32,588 gross tons (ITC). She had the approximate dimensions of 396 feet in length, 256 feet in breadth and 136 feet in depth. Her station keeping was by way of 8 Kamewa-rated 7375 horsepower each, fixed-propeller, full 360 degree azimuth thrusters. Prior to and at all times hereinafter described, Petitioners exercised due diligence to make and maintain the MODU *Deepwater Horizon* in all respects seaworthy, and at all times material hereto she was, in fact, tight, staunch, strong, properly and sufficiently manned, supplied, equipped and furnished, and well and sufficiently fitted with suitable engines, machinery, gear, tackle, apparel, appliances, and furniture, all in good order and condition and suitable for the service in which the vessel was engaged.

8.

The remains of the MODU *Deepwater Horizon* now lay sunken in approximately five thousand feet of water, in federal waters, in the Gulf of Mexico, and accordingly is not within any District.

9.

On or about January 30, 2010, the MODU *Deepwater Horizon* commenced a voyage in federal waters of the Gulf of Mexico in the vicinity of Mississippi Canyon Block 727 to the vicinity of Mississippi Canyon Block 252 for the purpose of conducting contract drilling operations in federal waters of the Gulf of Mexico. On or about April 20, 2010, the MODU

Deepwater Horizon was conducting normal drilling operations in the Gulf of Mexico, when there occurred a fire and an apparent explosion or explosions aboard the MODU *Deepwater Horizon*. The fire and explosion(s) severely damaged the MODU *Deepwater Horizon*, which ultimately sank on April 22, 2010, and the marine casualty resulted in personal injuries and death to persons aboard the MODU *Deepwater Horizon* and in the vicinity of the fire and explosion(s).

10.

Any and all injury, loss, destruction and damage arising out of or related to the above-described casualty event was not caused or contributed to by any fault, negligence or lack of due care on the part of Petitioners or unseaworthiness or fault of the MODU *Deepwater Horizon*, or any person in charge of her, or any person for whom Petitioners were or are responsible. Petitioners reserve the right to amend and/or supplement this paragraph of their Complaint and Petition to specify further the faults and negligence, if any, surrounding the above-described events when the facts surrounding the casualty event become fully known, and to prove them at the trial of this cause.

11.

The above-described incident, any physical damage, personal injury, death, contingent losses, expenses, costs, pollution, environmental damage, loss, destruction and damages were not caused or contributed to, done, occasioned and/or incurred by any fault, negligence, unseaworthiness, or lack of due care on the part of Petitioners, or anyone for whom Petitioners are or at any material time were responsible.

12.

The above-described incident, any physical damage, personal injury, death, contingent losses, expenses, costs, pollution, environmental damage, loss, destruction and damages were caused or contributed to, done, occasioned and/or incurred without the privity or knowledge of Petitioners, the MODU *Deepwater Horizon*'s master or OIM, or Petitioners' superintendents, management personnel, or managing agents.

13.

Except as stated in Paragraph 14, *infra*, there are no demands, unsatisfied liens or claims of lien, in contract or in tort, arising from the MODU *Deepwater Horizon*'s aforementioned voyage, so far as is known to Petitioners.

14.

Notwithstanding the fact that the alleged injury, loss, destruction and damages described herein, if any and which are in all respects denied, were done, occasioned and incurred without the fault, design or neglect of Petitioners, or anyone for whom Petitioners are or at any material time were responsible, and without unseaworthiness or fault of the MODU *Deepwater Horizon*, nevertheless claims and demands have been made against Petitioners. Attached hereto and made a part hereof as Exhibit "A" is a list of all suits pending, of which Petitioners have knowledge, as of the time of the filing of this Complaint. Upon information and belief, Petitioners are, as of this date, unaware of any other suits against Petitioners or the MODU *Deepwater Horizon* in connection with the incident except as noted on Exhibit "A."

To the best of Petitioners' knowledge, information and belief, the MODU *Deepwater Horizon* has not been arrested or libeled to answer for any claims arising on or after the MODU

Deepwater Horizon's aforementioned voyage.

15.

Petitioners further have been made aware that the following individuals have retained counsel, and accordingly aver that claims may be made by the following:

a. Oleander Benton, represented by Stephen Rue & Associates, LLC, Kenner, Louisiana;

b. Tyrone L. Benton, represented by Matthew D. Shaffer of Houston, Texas.

c. Billy Scott Francis, represented by Matthew D. Shaffer of Houston, Texas.

d. Brad Jones, represented by Christopher M. Rodriguez of New Orleans, Louisiana;

e. Carlos Antonio Ramos, represented by Matthew D. Shaffer of Houston, Texas;

f. Virginia Stevens, represented by Tim Young of New Orleans, Louisiana;

g. Dominique Ussin, represented by Steve Gordon of Houston, Texas.

16.

Petitioners further are aware of potential claimants residing throughout the United States, including but not limited to the States of Alabama, Arkansas, Arizona, California, Connecticut, Florida, Georgia, Maine, Maryland, Mississippi, New York, North Carolina, Ohio, Texas, and Washington.

17.

As the MODU *Deepwater Horizon* has not been arrested or libeled, and as suit has been commenced within this District, Petitioners affirmatively show that venue is proper in this District pursuant to Rule F(9) of the Supplemental Rules for Certain Admiralty and Maritime Claims.

18.

The entire aggregate amount or value of Petitioners' interest in the MODU *Deepwater Horizon*'s aforementioned voyage and her then pending freight at the end of the above-described voyage does not exceed the sum of TWENTY-SIX MILLION, SEVEN HUNDRED SIXTY-FOUR THOUSAND AND EIGHTY-THREE AND NO/100 DOLLARS ($26,764,083.00).

19.

The amount of the claims that are reasonably anticipated to arise from the events in question are expected to greatly exceed the amount and value of Petitioners' interest in the MODU *Deepwater Horizon* immediately after the events in question and at the time of the termination of the voyage, and her then pending freight.

20.

Petitioners desire to contest any liability of themselves and the MODU *Deepwater Horizon* for any injuries and other losses allegedly sustained by those affected by the events in question, and for any and all losses and damages, if any, which occurred during the voyage in question, including, without limitation, any claims asserted under the Oil Pollution Act, 33 U.S.C § 2701, *et seq.* for hydrocarbons emanating from the sea floor. Petitioners further claim exoneration from and/or limitation of liability for any loss, injuries, and damages sustained by those affected, and for the claims that have been made and/or those claims which hereafter may be made by any other person, firm, corporation or other entity, including without limitation, any claims asserted under the Oil Pollution Act, 33 U.S.C. § 2701, *et seq.* for hydrocarbons emanating from the sea floor. Petitioners allege that they have valid defenses on the facts and on the law to the claims of any present and/or future claimant. Petitioners, without admitting but

affirmatively denying all liability, further claim the benefit of Limitation of Liability as provided in 46 U.S.C.A., §§ 30501 to 30512, inclusive, Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and any and all Acts of the Congress of the United States amendatory thereof or supplementary thereto, and the rules of practice of this Honorable Court and of the Supreme Court of the United States.

While not in any way admitting that Petitioners bear any liability for the alleged injury, loss and damages allegedly occurring as described above, Petitioners hereby claim and reserve the right to contest in this or any other Court any liability therefor, either of Petitioners or of the MODU *Deepwater Horizon*, and Petitioners claim and are entitled to have their liability, if any, limited to the amount or value of their interest as aforesaid in the MODU *Deepwater Horizon* following the events in question, in addition to her freight then pending.

21.

Petitioners are ready and willing to give a Stipulation for Value with sufficient surety for the payment into the Court's registry of the amount or value of Petitioners' interest in the MODU *Deepwater Horizon* and her then pending freight following the events in question, whenever the same shall be ordered as provided in the applicable statutes and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure and by the rules and practices of this Honorable Court and subject to such Orders as the Court may direct.

22.

Petitioners hereby offer their *Ad Interim* Stipulation with surety in the amount of TWENTY-SIX MILLION, SEVEN HUNDRED SIXTY-FOUR THOUSAND AND EIGHTY-

THREE AND NO/100 DOLLARS ($26,764,083.00), representing the value of Petitioners' interest in the MODU *Deepwater Horizon* and her then pending freight, at the time of the occurrence in question, and interest at the rate of 6% per annum. The *Ad Interim* Stipulation is to stand in the place of a Stipulation for Value if the amount thereof is not contested by any Claimant herein. Petitioners stands ready and agree to comply with any other Order of the Court provided for in Supplemental Rule F for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure with respect to additional security which the Court may from time to time fix as necessary to carry out the provisions of the Limitation of Liability statutes as amended.

23.

Petitioners would show that this Complaint and Petition have been filed within six months from the date Petitioners received first written notice of claim from any claimant for losses or damages which any person, firm, corporation or other entity sustained while the MODU *Deepwater Horizon* was on the voyage in question, and/or Petitioners would show further that no other party or parties have given written notice of claim to Petitioners concerning the voyage in question of the MODU *Deepwater Horizon*.

24.

All and singular the premises are true and within the Admiralty and Maritime jurisdiction of the United States and of this Honorable Court as an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Petitioners pray:

(A) That the Court issue an Order directing that Petitioners file an *Ad Interim* Stipulation with proper security for the payment into Court of the value of Petitioners' interest in the vessel and its then pending freight at the termination of the voyage in question as set forth herein, whenever the same shall be determined and ordered by the Court, in addition to costs of Court and interest at the rate of 6% per annum, and that the Court order such increases and decreases in such stipulation as the Court may from time to time deem proper;

(B) That the Court make an Order directing the issuance of a Monition providing for Notice to all persons, firms, corporations or other entities who might have any claim arising out of the voyage in question of the MODU *Deepwater Horizon*, citing them to file their claims with the Clerk of this Court and to serve a copy of said claims upon the attorneys for Petitioners on or before the time fixed by the Court in the Monition or be forever barred and permanently enjoined from making and filing any such claims, to make due proof of their respective claims before this Court as the Court may later direct, and also to appear and answer the allegations of this Complaint and Petition at or before a certain time to be fixed by the Monition;

(C) That upon the filing of an *Ad Interim* Stipulation, or the giving of such stipulation as may be determined by the Court to be proper, an Injunction shall issue restraining the prosecution of all suits, actions and proceedings already begun to recover for damages sustained, arising out of, or resulting from the above-described events and restraining the commencement or prosecution hereafter of any suit, action or legal proceedings of any nature or description whatsoever, in any jurisdiction except in this action, against Petitioners, the MODU *Deepwater Horizon in rem*, their agents, officers, representatives, and their underwriters or against any employee or property of Petitioners or any other person whatsoever for whom Petitioners may be

responsible in respect of any claim or claims arising out of the aforesaid voyage of the MODU *Deepwater Horizon*;

(D) That the Court in this proceeding adjudge:

(i) That Petitioners and their underwriters are not liable to any extent for any loss, injuries or damages of any party in any way arising out of, during, or consequent upon the aforesaid occurrence(s) or voyage of the MODU *Deepwater Horizon*, including, without limitation, any claims asserted under the Oil Pollution Act, 33 U.S.C. § 2701, *et seq.* for hydrocarbons emanating from the sea floor, and that therefore the MODU *Deepwater Horizon* and Petitioners are exonerated from any and all liability which has been or may be claimed as a result of the events in question; or,

(ii) Alternatively, if Petitioners and/or their underwriters shall be adjudged liable, then that such liability be limited to the amount or value of Petitioners' interest in the MODU *Deepwater Horizon*, etc., and her then pending freight for the voyage in which the vessel was engaged at the time of the events in question, and that the money paid or secured to be paid as aforesaid be divided *pro rata* among such claimants as they may duly prove their claims before this Court, saving to all parties any priorities to which they may be legally entitled, and that a decree may be entered discharging Petitioners and their underwriters from all further liability.

(E) That Petitioners may have such other and further relief, both at admiralty and in equity, to which they may show themselves to be justly entitled.

Respectfully submitted:

By:_____

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Telephone: (713) 626-1386
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VERIFICATION

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS THAT
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, personally appeared Frank A. Piccolo, who, being by me duly sworn, upon his oath deposed and stated:

> My name is Frank A. Piccolo I am a member of the law firm Preis & Roy, attorneys for Petitioners Triton Asset Leasing GmbH, Transocean Holdings LLC, Transocean Offshore Deepwater Drilling Inc., and Transocean Deepwater Inc. I have read the foregoing Complaint and Petition and know the contents thereof, and the same are true and correct of my own knowledge, except as to the matters therein stated to be alleged upon belief and knowledge, and as to those matters I believe them to be true.
>
> The reason that this Verification is not being made by Petitioners is that they are corporations or other legal business entities whose officers are not presently available for this purpose.

Further, Affiant sayeth not.

_____
FRANK A. PICCOLO

SWORN TO AND SUBSCRIBED before me by Frank A. Piccolo, this _____ day of May, 2010, to which witness my hand and seal of office.

_____
NOTARY PUBLIC, STATE OF TEXAS
My commission expires:_____

[39]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE THE COMPLAINT AND PETITION OF TRITON ASSET LEASING GmbH, TRANSOCEAN HOLDINGS LLC, TRANSOCEAN OFFSHORE DEEPWATER DRILLING INC., AND TRANSOCEAN DEEPWATER INC.,AS OWNER, MANAGING OWNERS, OWNERS PRO-HAC VICE, AND/OR OPERATORS OF THE MODU DEEPWATER HORIZON, IN A CAUSE FOR EXONERATION FROM OR LIMITATION OF LIABILITY	§	C.A. NO. 10-1721 Fed. R. Civ. P. 9(h) IN ADMIRALTY

ORDER DIRECTING CLAIMANTS TO FILE AND MAKE PROOF OF CLAIMS, DIRECTING THE ISSUANCE OF MONITION, AND RESTRAINING PROSECUTION OF CLAIMS

A Complaint and Petition having been filed herein on the 13th day of May, 2010, by Petitioners Triton Asset Leasing GmbH, Transocean Holdings LLC, Transocean Offshore Deepwater Drilling Inc., and Transocean Deepwater Inc., as Owner, Managing Owners, Owners *Pro Hac Vice*, and/or Operators, of the MODU *Deepwater Horizon*, her engines, gear, tackle, appurtenances, etc., claiming the benefit of Limitation of Liability as provided for in the Act of Congress entitled "An Act to Limit Liability of Shipowners and for Other Purposes" passed March 3, 1851, now embodied in 46 U.S.C.A. §§ 30501, *et seq.*, and the statutes supplementary thereto, and amendatory thereof, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and also contesting their liability independently of the limitation of liability claim under said Act for any loss, damage, personal injuries, death, pollution, environmental damage or destruction resulting from or arising during the voyage described in said Complaint and Petition, including, without limitation, any claims

asserted under the Oil Pollution Act, 33 U.S.C. § 2701, *et seq*. for hydrocarbons emanating from the sea floor, which commenced on January 30, 2010, in federal waters in the vicinity of Mississippi Canyon Block 727 and which terminated on or about April 22, 2010, in the vicinity of Mississippi Canyon Block 252, and said Complaint and Petition also stating the facts and circumstances on which such exoneration from and limitation of liability are claimed;

And on hearing counsel for Petitioners and on considering the Complaint and Petition, the affidavits of value and pending freight attached thereto; and the Court having found adequate factual support that the value of Petitioners' interest in the said vessel and its then pending freight at the end of the said voyage does not exceed TWENTY-SIX MILLION, SEVEN HUNDRED SIXTY-FOUR THOUSAND AND EIGHTY-THREE AND NO/100 DOLLARS ($26,764,083.00);

And the Court having Ordered Petitioners to file an *Ad Interim* Stipulation in the amount TWENTY-SIX MILLION, SEVEN HUNDRED SIXTY-FOUR THOUSAND AND EIGHTY-THREE AND NO/100 DOLLARS ($26,764,083.00) with Ranger Insurance Company acting as surety, and Petitioners having filed such *Ad Interim* Stipulation and the Court having approved the *Ad Interim* Stipulation executed by Petitioners as principal and Ranger Insurance Company as surety, with interest at 6% per annum from its date, and with both Petitioners and their surety subject to such increases and decreases in the amount of such *Ad Interim* Stipulation as the Court may from time to time order, undertaking to pay into the Court's registry within ten (10) days after the entry of an Order confirming the report of the commissioner, if one be appointed, to appraise the amount or value of Petitioners' interest in the MODU *Deepwater Horizon* and her then pending freight, the aggregate amount or value of such interest as thus ascertained, or to file

in this proceeding a bond or Stipulation for Value in the usual form with surety in said amount, or agreeing to permit the *Ad Interim* Stipulation to stand as a Stipulation for Value if found sufficient in amount, or if the amount thereof be not contested; and that pending payment into Court of the amount or value of Petitioners' interest in the said MODU *Deepwater Horizon* and her then pending freight, as ascertained, or the giving of a stipulation for the value thereof, the said *Ad Interim* Stipulation shall stand as security for all claims in the limitation proceeding;

Now on motion of Attorney-in-Charge for Petitioners, it is hereby,

ORDERED, that a Monition issue out of and under the seal of this Court directing that Notice be provided all persons claiming damages for any and all losses, injuries, damages and destruction of property occasioned during the voyage of the MODU *Deepwater Horizon* as alleged in the said Complaint and Petition, which commenced on January 30, 2010, in federal waters in the vicinity of Mississippi Canyon Block 727 and which terminated on or about April 22, 2010, in the vicinity of Mississippi Canyon Block 252, and citing them to file their respective claims with the Clerk of this Court and serve on or mail a copy thereof to Attorney-in-Charge for Petitioner on or before the 15th day of November, 2010, at his offices, Frank A. Piccolo, Preis & Roy, A.P.L.C., Wesleyan Tower, 24 Greenway Plaza, Suite 2050, Houston, Texas 77046, or be forever barred, subject to the rights of any person or persons claiming damages as aforesaid, who shall have presented his, their or its claim under oath to answer said Complaint and Petition and to controvert or question the same; and it is further,

ORDERED, that public Notice of such Complaint and Petition shall be given by publication thereof in the Houston Chronicle, a newspaper of general circulation published in the City of Houston, Texas, and within the Southern District of Texas, such publication in said paper

to be once in each week until the return date and for at least four successive weeks before the return date of such Notice; and it is further,

ORDERED, that no later than the date of the second publication of such Notice of Complaint and Petition, Petitioners shall mail a copy of the Notice of Complaint and Petition to every person known to have made any claim or filed any actions against the MODU *Deepwater Horizon* or Petitioners arising out of the voyage described in the Complaint and Petition herein and to any such person's attorney, if known; and it is further,

ORDERED, that the beginning or continued prosecution of any and all suits, actions or legal proceedings of any nature or description whatsoever, in any jurisdiction except in this action, against Petitioners, the MODU *Deepwater Horizon*, *in rem*, their agents, officers, representatives, and their underwriters or against any employee or property of the Petitioners, or any other person whatsoever for whom Petitioners may be responsible, in respect of any claim arising out of, consequent upon, or in connection with the aforesaid voyage of the MODU *Deepwater Horizon*, be, and they are hereby ENJOINED, STAYED and RESTRAINED until the hearing and termination of this proceeding; and its is further,

ORDERED, that service of this Order as a Restraining Order may be made within this District by certified mail, or in the usual manner, and in any other District by the United States Marshal for such District by delivering a certified copy of this Order to the person or persons to be restrained or to his or their respective attorneys, or in the usual manner by mailing or hand delivering a conformed copy thereof to the person or persons to be restrained or to his or their respective attorneys, and in any other country by means of overseas air mail.

DONE at Houston, Texas, this 13th day of May, 2010.

UNITED STATES DISTRICT JUDGE

APPROVED AND ENTRY REQUESTED:

By: _____

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ATTORNEY IN CHARGE FOR PETITIONERS TRITON ASSET LEASING GMBH, TRANSOCEAN HOLDINGS LLC, TRANSOCEAN OFFSHORE DEEPWATER DRILLING INC., AND TRANSOCEAN DEEPWATER INC.