

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**DEREK DWYER,  
Plaintiff**

**CIVIL ACTION**

**VERSUS**

**NO. 13-1010**

**BP EXPLORATION & PRODUCTION  
INC., ET AL.,  
Defendants**

**SECTION: “E” (4)**

**ORDER AND REASONS**

Before the Court is a motion *in limine* to exclude the opinions of Derek Dwyer’s (“Plaintiff”) general causation expert, Dr. Jerald Cook (“Cook”), filed by BP Exploration & Production, BP America Production Company, and BP p.l.c. (collectively “Defendants”).<sup>1</sup> Also before the Court is the Defendants’ motion for summary judgment.<sup>2</sup> Plaintiff has filed oppositions to both motions, and Defendants have filed replies. Plaintiff separately filed a spoliation motion,<sup>3</sup> which Defendants oppose. The Court is prepared to rule on pending motions herein.

Defendant’s motion *in limine* and motion for summary judgment are nearly identical to the ones filed by Defendants, and granted by this Court, in other B3 cases.<sup>4</sup> Likewise, Plaintiff’s spoliation motion is nearly identical to the ones filed by other B3 Plaintiffs, and denied by this Court, in other B3 cases.<sup>5</sup>

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<sup>1</sup> R. Doc. 39. Halliburton Energy Services, Inc., Transocean Holdings LLC, Transocean Deepwater, Inc., and Transocean Offshore Deepwater Drilling, Inc., additional Defendants, join in the motion *in limine*.

<sup>2</sup> R. Doc. 40. Halliburton Energy Services, Inc., Transocean Holdings LLC, Transocean Deepwater, Inc., and Transocean Offshore Deepwater Drilling, Inc., additional Defendants, join in the motion for summary judgment.

<sup>3</sup> R. Doc. 61.

<sup>4</sup> See *Bruton v. BP Exploration & Production, Inc., et al.*, Civ. A. 17-3110 at R. Doc. 107 (E.D. La. 11/30/2022) (Morgan, J.); *Harrison v. BP Exploration & Production, Inc, et al.*, Civ. A. 17-4346 at R. Doc. 85 (7/1/2022) (Morgan, J.).

<sup>5</sup> *Bruton*, Civ. A. 17-3110 at R. Doc. 107.

Accordingly, for the reasons stated in the Orders & Reasons issued in the cited B3 cases;

**IT IS ORDERED** that the motion *in limine* is **GRANTED**.

**IT IS FURTHER ORDERED** that the spoliation motion is **DENIED**.

**IT IS FURTHER ORDERED** that the motion for summary judgment is **GRANTED**. Judgment is granted in favor of Defendants BP Exploration & Production, BP America Production Company, BP p.l.c., Halliburton Energy Services, Inc., Transocean Holdings LLC, Transocean Deepwater, Inc., and Transocean Offshore Deepwater Drilling, Inc., and against Plaintiff on all claims.

**New Orleans, Louisiana, this 25th day of May, 2023.**

  
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**SUSIE MORGAN**  
**UNITED STATES DISTRICT JUDGE**