

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

**In Re: Oil Spill by the Oil Rig “Deepwater  
Horizon” in the Gulf of Mexico, on  
April 20, 2010**

**MDL No. 2179**

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**SECTION: J**

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**JUDGE BARBIER**

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**This Document Relates to:**

***No. 16-17466, Darlene Jacobi, Individually  
and as Succession Representative of  
Charles A. Jacobi v. Transocean, Ltd., et al.***

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**MAG. JUDGE WILKINSON**

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**ORDER & REASONS**

Before the Court is Plaintiff Darlene Jacobi’s Motion for Default Judgment (Rec. Doc. 24102), Motion for Leave to File Claim (Rec. Doc. 22032), and Motion to Amend (Rec. Doc. 22246). These motions pertain to member case No. 16-17466, wherein Plaintiff asserts claims in her individual capacity and in her capacity as the succession representative of Charles Jacobi against Transocean and BP.

As to the Motion for Default Judgment (Rec. Doc. 24102), this case was automatically stayed by pretrial orders in this Multidistrict Litigation. (*See* Pretrial Order No. 25, ¶ 8, Rec. Doc. 983; Pretrial Order No. 1 ¶ 8, Rec. Doc. 2). Therefore, no answer was due from the Defendants. For this reason, the Court will deny the Motion for Default Judgment.

Turning to the Motion for Leave to File Claim (Rec. Doc. 22032), Plaintiff asserts two types of claims in her complaint. First, Plaintiff claims that the Deepwater Horizon/Macondo Well oil spill caused economic losses to her and Charles Jacobi’s commercial fishing business located in Grand Isle, Louisiana. (Complaint ¶ IV, No. 16-17466, Rec. Doc. 1). Second, Plaintiff claims that she and Charles Jacobi were injured by pollution emanating from the Deepwater Horizon/Macondo Well, which further resulted in Charles Jacobi’s death in 2013. (Complaint ¶¶ IV, XI, No. 16-17466, Rec. Doc. 1). Plaintiff also alleges that she and Charles Jacobi lived at 128

Bayou Lane in Grand Isle, Louisiana, during the time of the oil spill. Based on these allegations, Plaintiff and Charles Jacobi are class members in both the Economic and Property Damages Settlement Class (“Economic Class”) and the Medical Benefits Settlement Class (“Medical Class”).<sup>1</sup> Furthermore, the record reflects that Plaintiff and Charles Jacobi did not opt out of the Economic Class or the Medical Class (Rec. Doc. 16069, 7989), which they were required to do by November 1, 2012, if they wished to pursue their claims in litigation. (Rec. Doc. 7176). Because they did not opt out, the business economic loss and the personal injury/wrongful death claims were released by the class-wide releases contained in the Economic Settlement § 10 (Rec. Doc. 6430-1; *see also* Order & Judgment, Rec. Doc. 8139) and in the Medical Settlement § XVI (Rec. Doc. 64270-1; *see also* Order & Judgment, Rec. Doc. 8218). For these reasons, the Court will deny the Motion for Leave to File Claim and, furthermore, will dismiss Plaintiff’s complaint.<sup>2</sup>

As to Plaintiff’s Motion to Amend (Rec. Doc. 22246), that motion merely seeks to clarify the identity of the Plaintiff and which of the Transocean and BP entities are being sued. Even if the Court permitted the amendment, the complaint would still be subject to dismissal for the reasons stated above. Therefore, the Court will deny the Motion to Amend.

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<sup>1</sup> The class definitions can be found in §1 of the Economic Settlement (Rec. Doc. 6430-1) and § 1 of the Medical Settlement (Rec. Doc. 6427-1). The Court notes that 128 Bayou Lane, Grand Isle, Louisiana, is located in Zone B for purposes of the Medical Settlement, making Plaintiff and Charles Jacobi “Zone B Residents” under that agreement.


<sup>2</sup> The Court further notes that Plaintiff has not complied with Pretrial Order No. 60 (Rec. Doc. 16050) or Pretrial Order No. 63 (Rec. Doc. 22295), which, if Plaintiff and Charles Jacobi were not class members, would provide alternative grounds for dismissal.

Accordingly,

IT IS ORDERED that the Motion for Default Judgment (Rec. Doc. 24102), the Motion for Leave to File Claim (Rec. Doc. 22032), and the Motion for Leave to Amend (Rec. Doc. 22246) are each DENIED.

IT IS FURTHER ORDERED that all claims asserted in member case No. 16-17466 are DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 16th day of March, 2018.

  
United States District Judge

**Note to Clerk: File in 10-md-2179 and in 16-17466.**