

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

**JUSTIN PAUL BERRY,
Plaintiff**

CIVIL ACTION

VERSUS

NO. 17-3044

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

SECTION: “E” (5)

ORDER AND REASONS

Before the Court is a motion *in limine* to exclude the opinions of Justin Paul Berry’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”).¹ Also before the Court is the Defendants’ motion for summary judgment.² Plaintiff has filed oppositions to both motions, and Defendants have filed replies. To the extent Plaintiff’s opposition to Defendants’ motion *in limine* makes arguments that sound in spoliation, the Court construes those arguments as a spoliation motion similar to those filed separately in other B3 cases.³ 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.⁴ Likewise, Plaintiff’s arguments construed as a spoliation motion are nearly identical to

¹ R. Doc. 67. Halliburton Energy Services, Inc., Transocean Holdings LLC, Transocean Deepwater, Inc., and Transocean Offshore Deepwater Drilling, Inc., additional Defendants, join in the motion *in limine*.

² R. Doc. 68. 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.

³ See, e.g., *Bruton v. BP Exploration & Production, Inc., et al.*, Civ. A. 17-3110 at R. Doc. 107 (E.D. La. 11/30/2022) (Morgan, J.).

⁴ See *id.*; *Harrison v. BP Exploration & Production, Inc, et al.*, Civ. A. 17-4346 at R. Doc. 85 (7/1/2022) (Morgan, J.).

the ones filed by other B3 Plaintiffs, and denied by this Court, in other B3 cases.⁵

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, to the extent the Plaintiff's arguments are construed as a spoliation motion, 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.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

⁵ *Bruton*, Civ. A. 17-3110 at R. Doc. 107.