

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FREDDIE FAIRLEY

CIVIL ACTION

VERSUS

NO. 17-3988

BP EXPLORATION &  
PRODUCTION INC., *et al.*

SECTION M (4)

**ORDER & REASONS**

Before the Court is a *Daubert* motion *in limine* to exclude the general causation opinions of plaintiff's medical expert Dr. Jerald Cook filed by defendants BP Exploration & Production Inc., BP America Production Company, BP p.l.c., Halliburton Energy Services, Inc., Transocean Holdings LLC, Transocean Deepwater, Inc., and Transocean Offshore Deepwater Drilling, Inc. (collectively, "Defendants").<sup>1</sup> Plaintiff Freddie Fairley responds in opposition.<sup>2</sup> Defendants reply in further support of their motion.<sup>3</sup>

Also before the Court is Defendants' motion for summary judgment in which they argue that the case should be dismissed because Fairley cannot prove general causation without Cook's opinions.<sup>4</sup> Fairley responds in opposition.<sup>5</sup> Defendants reply in further support of their motion.<sup>6</sup>

Defendants' motions here are nearly identical to those filed by Defendants, and granted by this Court, in other B3 cases.<sup>7</sup> *See, e.g., Brister v. BP Expl. & Prod. Inc.*, 2022 WL 3586760 (E.D. La. Aug. 22, 2022); *Burns v. BP Expl. & Prod. Inc.*, 2022 WL 2952993 (E.D. La. July 25, 2022);

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<sup>1</sup> R. Doc. 70.

<sup>2</sup> R. Doc. 74.

<sup>3</sup> R. Doc. 87.

<sup>4</sup> R. Doc. 72.

<sup>5</sup> R. Doc. 75.

<sup>6</sup> R. Doc. 85.


<sup>7</sup> The third version of Cook's report, dated May 31, 2022, was used in this case. R. Doc. 70-4. The Court has reviewed all versions of Cook's report and concludes that none of the later versions cures the previously identified deficiencies in Cook's prior reports; specifically, none of his reports provides admissible general causation opinions.

*Carpenter v. BP Expl. & Prod. Inc.*, 2022 WL 2757416 (E.D. La. July 14, 2022); *Johns v. BP Expl. & Prod. Inc.*, 2022 WL 1811088 (E.D. La. June 2, 2022).

Accordingly, for the reasons stated in the Orders & Reasons issued in the cited B3 cases, IT IS ORDERED that Defendants' *Daubert* motion to exclude Cook (R. Doc. 70) is GRANTED.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (R. Doc. 72) is GRANTED, and Fairley's claims against them are DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 3<sup>rd</sup> day of November, 2022.

  
BARRY W. ASHE  
UNITED STATES DISTRICT JUDGE