

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

O'BRIEN'S RESPONSE MANAGEMENT,
L.L.C.,

Plaintiff/Counterclaim Defendant,

v.

BP EXPLORATION & PRODUCTION INC. and
BP AMERICA PRODUCTION COMPANY,

Defendants/Counterclaim Plaintiffs.

Civil Action

No. 2:19-CV-01418

Section: J

Hon. Carl J. Barbier

Mag. Judge Currault

**ORDER DIRECTING AND PERMITTING
DISCLOSURE OF INFORMATION TO O'BRIEN'S**

Before the Court is the unopposed motion of O'Brien's for an order directing and permitting the disclosure of information to O'Brien's and its insurer, Navigators Insurance Company (collectively, "O'Brien's"). Rec. Doc. 90. Having considered the record of these proceedings, the arguments and recommendation of counsel for the moving party, and the requirements of law, the Court **GRANTS** O'Brien's motion as follows:

IT IS HEREBY ORDERED:

Within 10 days of the entry of this Order, O'Brien's shall request and Epiq as Claims Administrator is authorized and directed to provide O'Brien's with access to the databases identified in Section XXI.B.1 of the Medical Settlement (Rec. Doc. 48-4), which include the following:

1. The "Medical Encounters" database, which is in Excel format and contains information concerning clean-up workers who visited medic stations funded by BP and made available to clean-up workers, *id.* at 129 (§ XXI.B.1.a);
2. The database identifying "Badged Workers," which is derived from the "Incident Action Plan" database, is in Excel format, and contains information concerning those individuals (and their employers) who received a badge that allowed them to

access areas where response activities were taking place, *id.* (§ XXI.B.1.c);

3. The “Training” database, which is in Excel format and contains information concerning individuals who received training provided by BP and/or its contractors that was required in order to allow those individuals to be hired as clean-up workers, *id.* (§ XXI.B.1.d);
4. Those portions of the “Traction” database, which is in Excel format, that contain information about injuries and illnesses reported by clean-up workers (and their employers) during the performance of response activities, *id.* (§ XXI.B.1.e); and
5. The “Injury and Illness” database, which is in Excel format and contains information about injuries and illnesses reported by clean-up workers during response activities, *id.* at 130 (§ XXI.B.1.g).

Separately, BP is authorized and directed to disclose source documents, invoices, and Pre-Trial Order 66 statements (*see* MDL Rec. Doc. 24282) specific to the B3 claims BP tendered to O’Brien’s as described in BP’s April 25, 2022 letter to O’Brien’s.

MDL 2179 Pre-Trial Order No. 13, excluding provisions 5(K), 6(J), 7, and 10, APPLIES to the above-captioned case; any documents produced in the above-captioned case pursuant to this Order shall be used only for the above-captioned case and not for any other purpose or litigation; any protected health information produced in the above-captioned case pursuant to this Order shall be treated as Highly Confidential Information under MDL 2179 Pre-Trial Order No. 13, excluding provisions 5(K), 6(J), 7, and 10.

Within ninety days of the termination of any party from the above-captioned case, that party, its employees, attorneys, consultants, and experts must destroy or return all originals and/or copies of documents with Confidential Information or Highly Confidential Information they received in this case; at the written request of the producing party, any person or entity having custody or control of recordings, notes, memoranda, summaries, or other written materials, and all copies thereof, relating to or containing discovery materials produced by the producing party (the “Discovery Materials”) shall deliver to the producing party an affidavit certifying that reasonable

efforts have been made to assure that all Discovery Materials (except for privileged communications, work product, and court-filed documents as stated above) have been destroyed or delivered to the producing party in accordance with the terms of this Protective Order. This Order survives the termination of the above-captioned proceeding.

SIGNED AND ENTERED this 17th day of May, 2022.


United States Magistrate Judge