

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

* SECTION: J

JUDGE CARL BARBIER

This Document Relates to the Remaining
Claims in B3 Bundle Against the Clean
Up Responder Defendants:

* MAGISTRATE JUDGE
SALLY SHUSHAN

*Torrey Barlow (12-2248), Joseph
Brown (12-2333), Scea Burrage (10-
8888, Docs. 89515 & 10885), Roy
Causey (10-8888, Doc. 34909), Jorey
Danos (13-3747), William Fitzgerald
o/b/o Nathan Fitzgerald (13-00650),
Thomas Hines (13-2360; 10-8888, Doc.
22261 & 84046)), Frank Howell (13-
3747), Douglas Maurras (12-2048),
Kirk Prest (10-8888, Doc. 89566), John
Wunstell, Jr. (10-2543; 10-8888, Doc.
57007)*

*

*

*

*

ORDER

[Establishing Briefing Schedule on Remaining B3 Claims Against the Clean Up Responder Defendants]

On February 16, 2016, the Court issued an Order and Reasons that dismissed most “B3” claims¹ against the “Clean-Up Responder Defendants.”² (Rec. Doc. 15853). The Order and Reasons did not dismiss at that time claims by eleven individuals who had timely responded to all questions in the Questionnaire attached to Pretrial Order No. 57, namely:

¹ “B3” refers to personal injury claims due to exposure to oil and/or chemical dispersant, among other claims. A complete definition of the “B3” pleading bundle can be found in in Pretrial Order Nos. 11 and 25 (Rec. Docs. 569, 983).

² The “Clean-Up Responder Defendants” are O’Brien’s Response Management, L.L.C. (formerly known as O’Brien’s Response Management, Inc.), National Response Corporation, Marine Spill Response Corporation, Dynamic Aviation Group, Inc., Airborne Support, Inc., Airborne Support International, Inc., DRC Emergency Services, LLC, International Air Response, Inc., Lynden, Inc., Lane Aviation, Inc., Tiger Rentals, Ltd., The Modern Group, Ltd., and The Modern Group GP-SUB, Inc.

Torrey Barlow
Joseph Brown
Scea Burrage
Roy Causey
Jorey Danos
Nathan Fitzgerald
Thomas Hines
Frank Howell
Doug Maurras
Kirk Prest
John Wunstell

The Court reserved judgment on those claims. (Rec. Doc. 15853 at 31-32). The Order and Reasons noted, however, the Clean-Up Responder Defendants' contention that these eleven Questionnaires were not sufficient to defeat a motion for summary judgment, as well as the Plaintiffs' Steering Committee's argument that the Questionnaires raised material issues of fact that would defeat summary judgment.

As part of its continuing management of this multidistrict litigation, the Court will permit the Clean-Up Responder Defendants to file motions for summary judgment specific to the remaining eleven B3 plaintiffs. Accordingly,

IT IS ORDERED that the Clean-Up Responder Defendants may file motions for summary judgment against the remaining B3 plaintiffs. Such motions shall be filed on or before Monday, May 9, 2016.

IT IS FURTHER ORDERED that any response or opposition to a motion for summary judgment by a Clean-Up Responder Defendant shall be filed on or before Tuesday, May 24, 2016.³

Any reply by a Clean-Up Responder Defendant shall be filed on or before Tuesday, May 31, 2016.

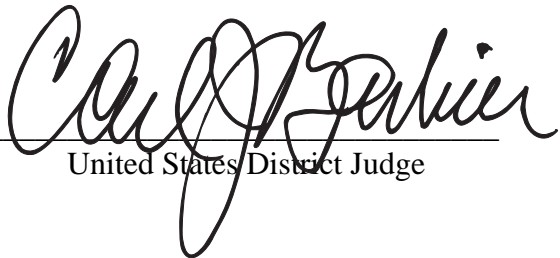
³ Plaintiffs who are not represented by counsel may mail or hand deliver their response or opposition to:
United States District Court, Eastern District of Louisiana
500 Poydras Street
New Orleans, Louisiana 70130

The response or opposition must use a heading (caption) substantially similar to the one used on page 1 of this Order.

Sylvia Simson, or another attorney for one the Clean-Up Responder Defendants, shall serve a copy of this order on the eleven remaining B3 plaintiffs or, if represented, the attorney. Service on an unrepresented plaintiff shall be by mail and e-mail, if an e-mail was provided, using the contact information provided in the Questionnaire (unless that information is known to be inaccurate). Service on an attorney may be via e-mail only. The Clean-Up Responder Defendants shall similarly serve any motions for summary judgment.

The Court will inform the parties if it requires oral argument.

Signed in New Orleans, Louisiana, this 8th day of April, 2016.


United States District Judge