

**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**

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MDL 2179

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SECTION: J(2)

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Applies to:

JUDGE BARBIER

Nos. 11-00911, 11-02621, 12-0740,

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13-04437, 16-03966, 17-02387,

MAG. JUDGE WILKINSON

17-03347, 17-03349, 17-03353,

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17-03356, 17-03387, 17-03412

ORDER

[As to 12 Cases in the B3 Bundle that Assert Only Contract Claims]

During a Status Conference on July 17, 2019, the Court announced its intent to sever from the MDL twelve cases in the B3 pleading bundle that assert only contract claims and allege no medical or personal injury claims.

Four of the twelve cases were included in the mandatory mediation process established under Pretrial Order No. 67 (Rec. Doc. 25370, *amended by* Rec. Doc. 25509). Those cases are:

Lawson Environmental Services, LLC v. BPXP, Inc.	12-00740
Gaspard, Jamie v. BP APC, et al.	13-04437
Evans v. BP Exploration & Production Inc., et al.	16-03966
Lartigue, Roger v. BPAPC, et al.	17-03353

Because the PTO 67 process could result in the settlement of these four cases, the Court does not sever them at this time. If the mediation does not resolve these cases

(and assuming the parties conducted mediation in good faith, *see* Rec. Doc. 25370 at 4), the Court will sever them from the MDL.¹

The other eight cases will be severed from the MDL. First, however, it must be determined where further proceedings for each of these cases will occur. Cases that were transferred to this Court by the Judicial Panel on Multidistrict Litigation must be remanded to the transferor court, unless the parties consent to have the case tried in this Court. *See* Fed. Judicial Ctr., *Manual on Complex Litigation (Fourth)* § 22.93 (2004) (citing *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998)). Cases that were filed originally in this district can be tried here.

Below the Court has listed what it understands to be the originating district court for each of the eight cases:

Case Name	Case No.	Originating District Court
Jesco Construction v. BP America, et al.	11-00911	S.D. Tex.
Coastal Water Cleaners and Environmental Services, L.L.C. v. BP America Production Company, et al.	11-02621	S.D. Ala.
Dang, Anh v. BPAPC	17-02387	E.D. La.
Howard, John L. v. BPAPC et al.	17-03347	S.D. Ala.
Richard Pinell o/b/o Billi Sue, Inc. v. BPXP, Inc.	17-03349	E.D. La.
Collier, Nicholas W. v. BPAPC et al.	17-03356	S.D. Ala.

¹ In the event mediation is not successful, either party may prompt action from the Court by filing a motion to sever. Such a motion should reference this Order. The motion should also state if the case may be tried in this district court or whether the case should be remanded to a transferor court. *See* Fed. Judicial Ctr., *Manual on Complex Litigation (Fourth)* § 22.93 (2004) (citing *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998)).

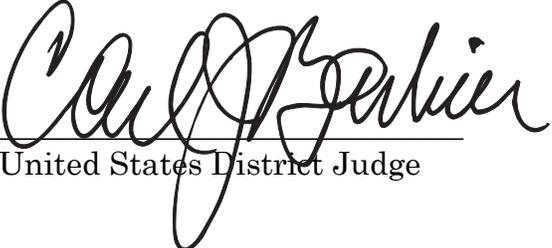
Steiner, Machelie v. BPAPC et al	17-03387	S.D. Ala.
Brehm, William H. v. BPAPC et al.	17-03412	S.D. Ala.

IT IS ORDERED that by Friday, July 26, 2019, the parties in the above eight cases shall file a statement with the Court setting forth:

1. Whether the above chart is correct with respect to the originating district court.
2. If the originating district court is incorrect, the correct originating district court.
3. For cases that originated in a district other than the Eastern District of Louisiana, whether the parties consent to trial in the Eastern District of Louisiana.

The Court will take appropriate action after these statements are filed. If the parties fail to file required statements, the Court will assume the above chart is correct and act accordingly.

New Orleans, Louisiana, this 18th day of July, 2019.


United States District Judge

Note to Clerk: Mail a copy of this Order to Robert Evans (No. 16-03966), who appears to be *pro se*.