

**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**
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* **SECTION: J**
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* **JUDGE BARBIER**
* **MAG. JUDGE SHUSHAN**
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* **THIS DOCUMENT RELATES**
* **TO ALL CASES**

ORDER

WHEREFORE, in its Order of August 20th (Docket No. 56), the Court recognized the ongoing well control, remedial, and physical evidence recovery efforts associated with Macondo Well 252 and made clear that it does not intend to restrict or direct activities of any of the Defendants or the Unified Command in those ongoing well control efforts, remedial activities, and physical evidence recovery efforts associated with Macondo Well 252;

WHEREFORE, the Court has been advised that to secure final and complete well control of Macondo Well 252, the Unified Command has determined a “bottom kill” shall proceed by techniques that will involve injecting cement into the well under pressure;

WHEREFORE, the Court has been further advised that in order to provide maximum environmental safety and security for operations related to the bottom kill, the Unified Command has determined that it is necessary to have in place a tested and fully functioning Blowout Preventer (BOP) securing the wellhead;

WHEREFORE, the Court has been further advised that the Unified Command has determined the BOP presently in place, the *Deepwater Horizon's* BOP, is not considered sufficiently adequate in its present condition to provide the appropriate level of environmental safety and security for the operations related to the bottom kill and, instead, that *Deepwater Horizon's* BOP must be removed and replaced with another BOP that presently is on site and ready for latching onto Macondo Well 252;

WHEREFORE, the Court has been further advised that the Unified Command has determined that the "Bottom kill" of Macondo Well 252 will not be permitted to proceed until the replacement BOP is deemed securely in place, such that removal of the *Deepwater Horizon's* BOP from the well is imperative;

WHEREFORE, the Court has been further advised that once the *Deepwater Horizon's* BOP has been unlatched, the Unified Command has determined that it shall be brought aboard the Q-4000, thereafter transferred *via* another vessel to a dock at the NASA facility at Port Michoud for temporary storage;

WHEREFORE, the Court and Plaintiffs' and Defendants' Interim Liaison Counsel have been provided with an evidence protocol concerning the BOP and other physical evidence, the protocol titled "Physical Evidence Collection," said protocol setting out the procedures which shall apply to chain of custody procedures and evidence collection pertaining to the BOP and related equipment;

WHEREFORE, the Court has been provided with drafts of various technical procedures pertaining to the unlatching and removal of the *Deepwater Horizon's* BOP, and the Court has been further advised that unlatching and removal of the BOP will not be allowed until final approval of these technical procedures by the Unified Command;

WHEREFORE, the Court has been advised that removal of the *Deepwater Horizon's* BOP shall proceed in accordance with such final technical procedures that the Unified Command approves, and that chain of custody and evidence collection procedures shall proceed in accordance with the "Physical Evidence Collection" protocol referred to above;

WHEREFORE, the Court having been advised that the foregoing procedures for removal of the *Deepwater Horizon's* BOP are consistent with the priority of environmental protection; and

WHEREFORE, the Court having been advised that all reasonable steps, consistent with the priorities of safety of life and minimizing risk of environmental harm, will be taken to preserve the BOP during its recovery, transportation, and storage,

IT IS HEREBY ORDERED that to preclude delay in the bottom kill of Macondo Well 252, and to the extent necessary to amend and modify Paragraph 14 of the Court's Pretrial Order No. 1 to permit the removal, transportation, and immediate storage of the *Deepwater Horizon's* BOP and related appurtenances in accordance with the foregoing "Physical Evidence Collection" protocol, and in accordance with such final technical procedures approved by the Unified Command, Paragraph 14 of the Court's Pretrial Order No. 1 shall be, and the same is, so amended and modified;

IT IS FURTHER ORDERED that all reasonable steps, consistent with the priorities of safety of life and minimizing risk of environmental harm, will be taken to preserve the *Deepwater Horizon's* BOP and related appurtenances from further damage or deterioration during recovery,

transportation, and storage;

IT IS FURTHER ORDERED that no destructive testing or metallurgical analysis on the *Deepwater Horizon's* BOP and related equipment and appurtenances will be conducted without further order of the Court;

IT IS FURTHER ORDERED that BP Exploration & Production Inc. shall, consistent with the Court's earlier Order in *Roshto*, 10-1156 c/w 10-1196, maintain a log/summary of each action relating to the recovery and transport of the *Deepwater Horizon's* BOP and related appurtenances in accordance with the written procedures approved by the Unified Command ;

IT IS FURTHER ORDERED that should any modification or repair of the *Deepwater Horizon's* BOP and related appurtenances be necessary to accomplish the operational objectives under the Unified Command's protocol(s), such evidence shall be appropriately measured, photographed and otherwise documented in accordance with written procedures approved by the Unified Command in an appropriate way prior to any such alteration, modification, or repair to the extent practicable under the operational circumstances;

IT IS FURTHER ORDERED to the extent any parties retain possession, custody or control of relevant logs/summaries, photographs, measurements, videotape, film, diagrams, 3-D analysis, wall thickness readings, and/or other documentation of the recovery and/or chain of custody upon completion of the BOP retrieval operation such parties will make such data and information available, upon request, to all other parties to these proceedings, and, certain Expro and Oceaneering digital imagery in raw format will be provided to Transocean for distribution to interim liaison counsel;


IT IS FURTHER ORDERED that the preceding paragraphs shall not limit federal authorities with respect to establishment and maintenance of chain of custody and/or evidence

documentation procedures maintained by federal authorities pursuant to the “Physical Evidence Collection” protocol referred to above; and

IT IS FURTHER ORDERED that the Court recognizes the ongoing well control, remedial, and physical evidence recovery efforts, and does not intend by this Order to restrict or direct activities of any of the Defendants or the Unified Command in the well control efforts, all remedial activities, and physical evidence recovery from Macondo Well 252.

IT IS FURTHER ORDERED on or before August 31, 2010, interim liaison counsel shall meet and confer regarding longer-term preservation and storage protocol order(s), with a hearing to be held on this issue, if necessary, at 9:30 a.m. on Wednesday, September 1, 2010, and further, without prejudice to the right of any federal entity or authority to object on any basis, including, but not limited to, subject matter jurisdiction.

IT IS SO ORDERED this 26th day of August, 2010, at New Orleans, Louisiana.



THE HONORABLE CARL J. BARBIER
UNITED STATES DISTRICT JUDGE