

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

This Document Relates to:

SECTION: J

All Cases in Pleading Bundles A, B, and C and
Case No. 2:10-cv-2771

JUDGE BARBIER

MAG. JUDGE SHUSHAN

**STIPULATED ORDER GOVERNING
DEADLINES IN CONNECTION WITH
PETITIONERS’ RULE 14(c) THIRD-PARTY COMPLAINT
AND CERTAIN BUNDLE C PLEADINGS**

By stipulation of Plaintiffs, by and through Plaintiffs’ Liaison Counsel, Coordinating Counsel for the States, and Defense Liaison Counsel, and to facilitate the efficient and effective management and prosecution of the coordinated actions herein:

It is ORDERED that as to the 14(c) Third-Party Defendants Marine Spill Response Corporation, Airborne Support, Inc., Airborne Support International, Inc., Lynden, Inc., Lynden Air Cargo LLC, Dynamic Aviation Group, Inc., International Air Response, Inc., Lane Aviation, National Response Corporation, O’Brien’s Response Management, Inc., Tiger Safety, LLC, DRC Emergency Services, LLC, and Nalco Company (collectively, the “Responder Defendants”), the Third-Party Plaintiffs’ Rule 14(c) Complaint shall be deemed to tender to each of these Responder Defendants only the claims contained in the B3 Bundle Master Complaint (Rec. Doc. 881) that have already been asserted against that particular Responder Defendant.

It is further ORDERED that the Third-Party Plaintiffs’ Rule 14(c) Complaint shall not be interpreted to assert any stand-alone, direct or otherwise affirmative claims against any Rule 14(c) Third-Party Defendant and therefore does not trigger mandatory counterclaims, and no

Rule 14(c) Third Party Defendant shall be required to file an Answer to the Third-Party Plaintiffs' Rule 14(c) Complaint.

It is further ORDERED that no further responsive pleadings are required to be filed in response to any Pleading Bundle A Complaint or Amended Complaint until further order of the Court, except that Reply Briefs in Support of currently pending Motions to Dismiss Pleading Bundle A Complaints or Amended Complaints still must be filed and are due on April 15, 2011. Further, no cross-claims with respect to any Pleading Bundle A case will be due until further Order of the Court and the lack of such cross-claims until Ordered by the Court shall not prejudice any party from asserting cross-claims in any Pleading Bundle A case tried in the February 2012 trial.

It is further ORDERED that Pretrial Order No. 31 (Rec. Doc. 1501) is hereby amended to clarify that any motions to dismiss and/or answers that have already been filed or will be filed by any Defendant in response to the B1 and/or B3 Bundle Master Complaints and/or in response to any Pleading Bundle C Complaint, in MDL 2179 or otherwise, are hereby deemed to also respond to the Third-Party Plaintiffs' Rule 14(c) Complaint tendering those Defendants to the claims in the B1 and/or B3 Bundle Master Complaints and/or the Pleading Bundle C Complaints, and to respond to the Plaintiffs' Amended Master Claim in Limitation and all other Claims in Limitation.

It is further ORDERED that the deadline for answering or moving to dismiss the Pleading Bundle C Master Complaint for Local Governments is hereby changed to April 30, 2011 for any Defendant that has been properly served or that has waived service.

It is further ORDERED that Pretrial Order No. 31 (Rec. Doc. 1501), Pretrial Order No. 32 (Rec. Doc. 1506) and this Court's Order of March 15, 2011 (Rec. Doc. 1641) are hereby

amended to adopt the pleading deadlines set forth in Attachment A which deadlines shall supersede any conflicting deadlines established for said pleadings prior to the date of this Order.

New Orleans, Louisiana, this 24th day of March, 2011.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE

ATTACHMENT A

FILING SCHEDULE

LIMITATION DOCKET : 10-2771

<u>DATE</u>	<u>DEADLINE/EVENT</u>
3/25/2011	All 14(c) Third Party Defendants' Third Party Complaints in the Limitation Action against parties not already in the Limitation Action.
4/20/2011	All Cross-claims/Counterclaims/Direct Claims by all parties against the Limitation Petitioners (in the Limitation Action only). All Cross-claims/Counterclaims by Limitation Petitioners (in the Limitation Action only). All Cross-claims against the United States by any other Rule 14(c) Defendant (in the Limitation Action only). All Answers to Limitation Petitioners' Complaint and Petition for Limitation/Exoneration under Supplemental Rule F.
5/20/2011	If a Tendered Third Party Defendant who has been served in the Limitation Action has not responded to the B1 and/or B3 Bundle Master Complaints or to the Pleading Bundle C Complaints in MDL 2179, then, with respect to the claims for which it has been tendered, that Rule 14(c) Third Party Defendant shall file a single Master Answer and/or Rule 12 Motion to the Plaintiffs' First Amended Master Claim in Limitation and other Claims in Limitation. All Cross-claims by 14(c) Third Party Defendants (including the United States Government) against any other 14(c) Third Party Defendant (except for the United States Government against which cross-claims are due on 4/20/11)(applies in the Limitation Action only). All Answers and/or Motions to Dismiss and Counterclaims by the United States Government in response to Cross-claims filed against it by the Limitations Petitioners or by any 14(c) Third Party Defendant (in the Limitations Action only) All Answers and/or Motions to Dismiss and Counterclaims by Limitation Petitioners' in response to Cross-claims filed against them by 14(c) Defendants on 4/20/11 (in the Limitations Action only) All Limitation Petitioners' Master Answer in response to the First Amended Master Claim (Rec. Doc. 249) and any and all other Claims in Limitation. All Answers and/or Motions to Dismiss and Counterclaims by 14(c) Defendants in response to Cross-claims filed against them by Limitations Petitioners on 4/20/11 (in the Limitations Action only)

6/20/ 2011 All Rule 14(c) Defendants' and Limitation Petitioners' Answers and/or Rule 12 Motions in Response to Cross-claims/Counterclaims filed against them in the Limitation Action on May 20, 2011 by the Limitation Petitioners or by other Rule 14(c) Defendants.

All Counterclaims by 14(c) Defendants in response to Cross-claims filed against them in the Limitation Action on 5/20/2011 by other 14(c) Defendants (in the Limitations Action only).