

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

<b>IN RE: OIL SPILL BY THE OIL</b>	<b>§</b>	<b>MDL No. 2179</b>
<b>RIG “DEEPWATER HORIZON”</b>	<b>§</b>	
<b>IN THE GULF OF MEXICO,</b>	<b>§</b>	<b>SECTION: J</b>
<b>ON APRIL 20, 2010</b>	<b>§</b>	
	<b>§</b>	<b>JUDGE BARBIER</b>
	<b>§</b>	<b>MAG. JUDGE SHUSHAN</b>

**THIS DOCUMENT RELATES TO ALL CASES**

**AMENDMENT TO PTO 1 AND PTO 14 REGARDING  
COMMUNICATIONS BETWEEN COUNSEL FOR THE UNITED STATES, THE  
STATES, AND PLAINTIFFS’ STEERING COMMITTEE**

Pursuant to Pretrial Order 1, Paragraph 20, the “communication of information among and between plaintiffs' counsel and among and between defendants’ counsel shall not be deemed a waiver of the attorney-client privilege or the protection afforded attorney's work product, and cooperative efforts contemplated above shall in no way be used against any plaintiff by any defendant or against any defendant by any plaintiff.” Recently, the United States has been served with discovery requests by BP Exploration & Production seeking, among other things, all “communications between the United States and any other party in MDL No. 2179 referring or relating to the *Deepwater Horizon* Incident or the MC252 Well created on or after April 20, 2010.” The United States has, accordingly, sought this Court’s guidance on the application of Paragraph 20 of Pretrial Order 1 to its communications with the Plaintiffs’ Steering Committee.

IT IS HEREBY ORDERED pursuant to Federal Rule of Evidence 502 and this Court’s authority to control this litigation that communication of information among and between the United States, any one or all of the States or any local government, and members of the Plaintiffs’ Steering Committee (or the parties they represent) shall not be deemed a waiver of the attorney-client privilege or the protection afforded attorney's work product.

Paragraph 2 of Pretrial Order 14 provides that “neither communications between or among counsel for Plaintiffs nor communications between or among counsel for Defendants are required to be identified on the Producing Party’s privilege log.” IT IS HEREBY ORDERED that this paragraph includes communications among and between counsel for the United States, counsel for the States or any local government, or the Plaintiffs’ Steering Committee, such that these communications need not be identified on a Producing Party’s privilege log.

New Orleans, Louisiana this 13th day of May, 2011.



United States District Judge