

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL by the OIL RIG	:	MDL NO. 2179
"DEEPWATER HORIZON" in the	:	
GULF OF MEXICO, on	:	
APRIL 20, 2010	:	SECTION: J
	:	
	:	JUDGE BARBIER
	:	MAG. JUDGE SHUSHAN
.....		

THIS DOCUMENT RELATES TO ALL CASES

ORDER

On October 22, 2010, the Court received the attached letter from Don K. Haycraft, Counsel for BP. In the letter, Mr. Haycraft states that BP acknowledges that presentment to the Gulf Coast Claims Facility ("GCCF") in accordance with the requirements of OPA 90 and GCCF procedures constitutes presentment to BP.

The Court hereby **ORDERS** that the letter be filed into the record.

New Orleans, Louisiana, this 22nd day of October, 2010.



 CARL J. BARBIER
 UNITED STATES DISTRICT JUDGE

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October 22, 2010

Don K. Haycraft

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Via Email

Honorable Carl J. Barbier
United States District Judge
United States District Court
Eastern District of Louisiana
500 Camp Street, Section "J"
New Orleans, LA 70130

In Re: Oil Spill By The Oil Rig "Deepwater Horizon" in the
Gulf of Mexico, on April 20, 2010
MDL-2179; Section J; Judge Barbier; Magistrate Shushan
Our File No. 10451.084

Dear Judge Barbier:

At the October 15 status conference, the Court asked BP's counsel to confirm that presentment to the Gulf Coast Claims Facility (GCCF) constitutes presentment to BP as a designated Responsible Party under OPA 90. As we have stated previously, BP acknowledges that presentment to GCCF in accordance with the requirements of OPA 90 and GCCF procedures will be considered presentment under OPA 90, without any requirement that presentment be separately made to BP directly. The Court will recall this re-confirms what I said in open court in response to Your Honor's question on this subject at a hearing regarding oil sampling issues on July 27, 2010. For the Court's and the parties' convenience, I have enclosed an excerpt from that hearing.

(Respectfully yours,



Don K. Haycraft

DKH/apf

Enclosure

cc: Liaison Counsel (with enclosure)



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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: DEEPWATER HORIZON * Docket 10-1156 "J"
*
* July 27, 2010
This Document Relates to: *
* 4:00 p.m.
All cases. *
*
* * * * *

PROCEEDINGS BEFORE THE
HONORABLE CARL J. BARBIER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Domengeaux, Wright, Roy & Edwards
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APPEARANCES:

For the Defendant:

Liskow & Lewis
BY: DON K. HAYCRAFT, ESQ.
BY: RUSSELL K. JARRETT, ESQ.
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Proceedings recorded by mechanical stenography, transcript produced by computer.

1 **THE COURT:** Okay. Anybody have anything else?
2 Mr. Haycraft?

3 **MR. HAYCRAFT:** Judge, I just wanted to give you a
4 brief status report as defense liaison counsel -- interim
5 counsel.

6 At each opportunity, when I take the podium, I
7 give an update on the amount of claims paid thus far. Through
8 37 claims offices, 82,600 checks have been issued to date.
9 There have been 131,000 claims to date. And as of yesterday, a
10 total of \$251 million has been paid through the BP claims
11 process, which is part of the statutory responsibility that BP
12 has a responsible party under the Oil Pollution Act of 1990.

13 The Gulf Coast Claims Fund, the GCCF, under the
14 leadership of Mr. Feinberg, remains in a transition phase. And
15 Mr. Feinberg and his partner Mr. Rosen continue to meet with
16 state, local, federal, as well as plaintiffs lawyers, as well
17 as BP in formulating the game plan for that transition and for
18 taking over the BP claims process.

19 **THE COURT:** Just so it's clear, because there was
20 some confusion, at least expressed by -- I've seen reports or
21 comments by lawyers or other interested parties, claimants,
22 whatever, confusion as to the interaction -- or how does what
23 Mr. Feinberg's going to be doing relate to the OPA claims
24 process.

25 As I understand it, basically, when he is up and

1 running, sometime in August, it's going to take the place of BP
2 running the OPA claims process; right?

3 MR. HAYCRAFT: That's correct, Your Honor.

4 THE COURT: So then anyone who presents a claim to
5 Mr. Feinberg will be considered as having made an OPA claim
6 under the statute.

7 MR. HAYCRAFT: That's correct, Your Honor.

8 THE COURT: Okay. All right.

9 MR. HAYCRAFT: Thank you.

10 THE COURT: All right. Thank you.

11 MR. JARRETT: Your Honor, I just -- just to make -- I
12 think I know the answer to the question, but just to make sure
13 that the record's completely clear: It's the Court's position,
14 and I think this is also BP's position, that with respect to
15 source oil, that we're free to continue analyzing it, but we
16 need to preserve enough quantity that the plaintiff might have
17 future samples.

18 THE COURT: Right. Right.

19 MR. JARRETT: But as to the weathered oil, those that
20 are in different sizes and shapes, we can continue to analyze
21 as we see appropriate, as long as the results of those are made
22 available at the appropriate time.

23 THE COURT: Yes.

24 MR. JARRETT: Thank you, Your Honor.

25 THE COURT: All right. Anybody have anything else?