

**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

SECTION J

**Applies to: *All Cases in B1, B3 and D1
Pleading Bundles***

**JUDGE BARBIER
MAGISTRATE SHUSHAN**

PRE-TRIAL ORDER NO. 23

[Notification to Unrepresented Defendants of Depositions]

Pursuant to pretrial order no. 11 (Case Management Order No. 1) (Rec. Doc. 569), the plaintiffs filed a master complaint (Bundle B3).¹ One of the groups of defendants included in the B3 Master Complaint are referred to as Dispersant Defendants. They are: Marine Spill Response Corporation; Airborne Support, Inc.; Airborne Support International, Inc.; Lynden, Inc.; Dynamic Aviation Group, Inc.; International Air Response, Inc.; Lane Aviation; National Response Corporation; O’Brien Response Management, Inc.; Tiger Safety, LLC; and DRC Emergency Services, LLC. Rec. doc. 881 at paras. 54-64. Some of these parties are not represented.

Pursuant to CMO No. 1, fact depositions regarding blow-out, spill, limitation and related issues will commence on or after January 18, 2011. Rec. doc. 569 at 11. The first round of depositions will be BP employees. With the exception of three BP employees in the United Kingdom, who will be deposed there, the depositions of the BP employees will be in New Orleans. Rec. doc. 942.

The unrepresented dispersant defendants are notified of these depositions and their right to

¹ Paragraph B3 of the CMO no. 1 states that, “This Pleading Bundle will include all claims related to post-explosion clean-up efforts and will be pled separately and uniformly in a Master Complaint, and such claims shall not be included in any other Pleading Bundles or Master Complaint.” Rec. doc. 569 at 3.

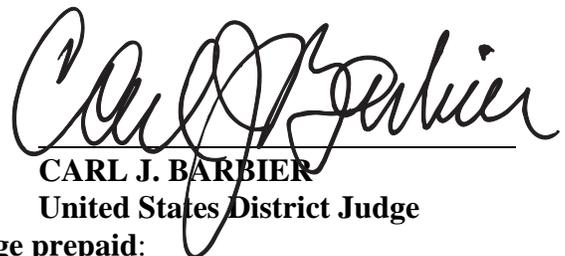
participate in the depositions with a full reservation of all rights including objections to service of process and jurisdiction. Because of the schedule and the number of parties involved, an unrepresented dispersant defendant will not have the opportunity to re-take any depositions. If an unrepresented dispersant defendant chooses not to participate in the depositions, it will be deemed to have waived its right to participate in the depositions.

If an unrepresented dispersant defendant wants further information on the scheduling and identity of the persons to be deposed starting January 18, 2011, it should contact Don Haycraft, Liskow & Lewis (New Orleans), One Shell Square, 701 Poydras St., Suite 5000, New Orleans, LA 70139-5099 (504-556-4128; dkhaycraft@liskow.com). Mr. Haycraft is counsel for BP and one of the liaison counsel for the defendants.

IT IS ORDERED that:

1. The record reveals that the defendants listed below have not appeared and are not represented.
2. If an unrepresented defendant participates in the depositions beginning on January 18, 2011 in New Orleans, it will not waive any rights, including its right to object to service of process and jurisdiction. **If an unrepresented defendant chooses not to participate in scheduled depositions, it will be deemed to have waived its right to participate in the depositions and it will not be granted an opportunity to re-take any deposition.**

New Orleans, Louisiana, this 4th day of January, 2011.


CARL J. BARBIER
United States District Judge

Clerk to notify the following by first class mail, postage prepaid:

Airborne Support International, Inc.

through its registered agent
Howard Barker
2626 Thunderbird Road
Houma, LA 70363

Airborne Support, Inc.

through its registered agent
Howard Barker
2626 Thunderbird Road
Houma, LA 70363

Lynden, Inc.

through its registered agent
Douglas Management Company
1800 International Blvd., Suite 800
SeaTac, WA 98188-4263

Lynden Air Cargo, LLC

6441 South Airpark Place
Anchorage, AK 99502

Dynamic Aviation Group, Inc.

1402 Airport Road
Bridgewater, VA 22812

International Air Response Inc.

3644 S Hangar Drive
P.O. Box 67
Coolidge, AZ 85128-0001

Lane Aviation

P.O. Box 432
Rosenberg, TX 77471-0432

Tiger Safety, LLC

through its registered agent
c/o Herbert P. Melancon
156 East 53rd St.
Cut Off, LA 70345

National Response Corporation

3500 Sunrise Highway
East Islip, NY 11730

DRC Emergency Services, LLC
740 Museum Drive
Mobile, AL 36608