

**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 : **SECTION J**
APRIL 20, 2010 :
: **JUDGE BARBIER**
This document relates to: ALL ACTIONS : **MAG. JUDGE SHUSHAN**

PRETRIAL ORDER # 47

Pursuant to Pre-Trial Order No. 13, the Plaintiff’s Steering Committee (“PSC”) has been engaged in the process of challenging the designation of specific documents as “Confidential” or “Highly Confidential” by serving written objections upon the respective producing parties. Also pursuant to Pre-Trial Order No. 13, the producing parties have responded to the PSC’s objections in writing by either: 1) agreeing to remove the “Confidential” or “Highly Confidential” designation; or 2) stating the reasons for such designation.

IT IS HEREBY ORDERED that to keep the Court and all parties informed as to the status of documents where the producing party has consented to withdraw “Confidential” and/or “Highly Confidential” designations, and to ensure that “Confidential” and “Highly Confidential” bates stamping is physically removed from documents where the producing party consented to withdraw such designations, the following procedures will govern:

(1) Within three (3) business days of a producing party consenting to withdraw a “Confidential” or “Highly Confidential” document designation, the producing party will serve on all other parties, via LexisNexis, a “Withdrawn Confidentiality Designation Chart” (hereinafter “Chart”) identifying its withdrawn confidential designations in the following format:

Witness Name	Exhibit Number	Bates Number	Withdrawal Notes	Date of Withdrawn Designation by Agreement or Court Order
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Withdrawn confidential designations shall be identified on the Chart under the column “Withdrawal Notes” in one of the following two categories: a) withdrawn designations where the producing party is the author of the document or otherwise has discretion to make the withdrawal (e.g., “Producing party agrees to withdraw its confidential designation”), or b) withdrawn designations where the producing party is not the author of the document or otherwise does not have discretion to make the withdrawal (e.g., “Producing party agrees to withdraw its confidential designation and hereby notifies party X [the author of the document] of its need to object to the withdrawal of the confidential designation”). Within ten (10) days of the date of the entry of this Order, all producing parties shall serve their first Chart on LexisNexis noting all withdrawn designations to date. Producing parties shall not be required to note the authorship or give notice for any document for which the designation was withdrawn prior to the date this Order was entered.

(2) The producing party is responsible for updating its Chart in a cumulative manner so that each subsequent chart includes all confidential designations which have been withdrawn by the producing party. The Chart shall also include any rulings from the Court regarding whether or not a document is entitled to confidential treatment. The producing party is also responsible for serving all other parties, via LexisNexis, with any updated Chart within three (3) business days of future consent to withdraw confidential document designations. Reasonable requests for extensions of all deadlines will be considered by the challenging party.

(3) The official confidential designation of all documents listed on any Chart governs as set forth below.

(a) Where the Chart indicates that the producing party agrees to withdraw the confidential designation and the producing party is the author of the document or has discretion to withdraw the designation, said document is no longer confidential, even if the document still has “Confidential” or “Highly Confidential” physically bates stamped on it.

(b) Where the chart indicates that the producing party agrees to withdraw the confidential designation but the producing party is not the author of the document or otherwise does not have discretion to withdraw the designation, said document will remain confidential for a period of ten (10) days.

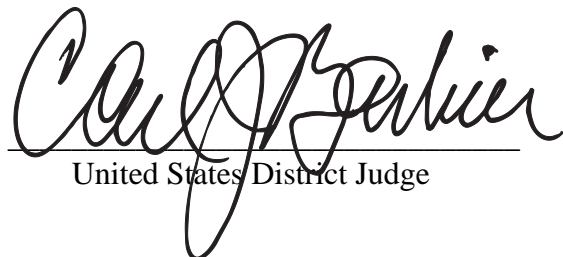
- If during that ten (10) day period, the party responsible for consenting to withdrawal of the confidential designation (“responsible party”) fails to serve all parties, via LexisNexis, with an objection to the producing party’s withdrawal of said confidential designation, the respective document is no longer confidential, even if the document still has “Confidential” or “Highly Confidential” physically bates stamped on it.
- However, if the responsible party serves all parties, via LexisNexis, with an objection to the producing party’s withdrawal of the confidential designation within ten (10) days of same, then the document shall still be recognized and treated as “Confidential” or “Highly Confidential” (whichever designation applies) pursuant to Pre-Trial Order No. 13.

- If the responsible party objects to the removal of the confidential designation, any other party may at that point move the Court for an order withdrawing the confidential designation.
- Failure by the responsible party to object to withdrawal of the designation within this period shall not serve as a waiver of any contractual or other remedies the responsible party may have against the producing party arising from any pre-existing obligation on the part of the producing party to maintain the confidentiality of the responsible party's documents.

(4) No party should physically remove any "Confidential" or "Highly Confidential" bates stamping on documents for which the confidential designation have been removed or withdrawn as outlined above. The physical removal of any "Confidential" or "Highly Confidential" bates stamping on documents will be performed only by World Wide pursuant to a specific process to be determined by the Court before trial.

(5) All parties are instructed that any documents produced with a "Confidential" or "Highly Confidential" bates stamp shall still be recognized and treated as such pursuant to Pre-Trial Order No. 13, until the designation is withdrawn as outlined herein or until the Court rules that a document is not entitled to confidential treatment.

New Orleans, Louisiana, this 5th day of October, 2011.


United States District Judge