

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

<b>In Re:</b>	<b>Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010</b>	: : : : : :	<b>MDL NO. 2179  SECTION: J  JUDGE BARBIER MAG. JUDGE SHUSHAN</b>
<b>This Document Relates to:</b>	<b>10-4536</b>	:	

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**PRE-TRIAL ORDER NO. 58**

**[Regarding Amending Pretrial Order No. 13 to Govern the Production of and  
Use of Raw Laboratory Data During the Penalty Phase]**

WHEREAS, the discovery phase of the Penalty Phase of this litigation includes production of some raw laboratory data by the Parties;

WHEREAS, the Parties have agreed that raw laboratory data produced solely as part of the Penalty Phase shall be considered Confidential,

IT IS HEREBY ORDERED, pursuant to Federal Rule of Civil Procedure 26(c) and the general supervisory authority of the Court, and for good cause having been shown, THAT:

**DEFINITIONS**

The following definitions apply to this Protective Order:

1. Except where otherwise expressly defined in this Protective Order, all terms used herein shall have the same meaning and definition as those in the Pre-Trial Order No. 13.
2. “Raw Laboratory Data” shall mean any biological, chemical, or physical data generated from laboratory toxicity studies that has not gone through validation or quality

assurance/quality control review that is part of the written sampling analysis plan or standard laboratory procedures.


3. "Parties" shall mean the United States, BP, and APC.

GENERAL PROVISIONS

4. Except as otherwise stated in this Order, the Parties shall produce, in response to a valid discovery request, certain raw laboratory data per agreements made during the meet and confer process.

5. The Parties also agree that raw laboratory data produced solely as part of the Penalty Phase cannot be admitted into evidence in the Penalty Phase by the Receiving Party absent good cause shown. An expert may rely upon and testify about raw laboratory data produced by any party as part of the Penalty Phase if such expert establishes through an expert report or expert testimony that the data is sufficiently reliable for the opinion rendered.

New Orleans, Louisiana this 18th day of August, 2014.

  
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CARL J. BARBIER  
United States District Judge