

**MINUTE ENTRY  
FALLON, J.  
DECEMBER 20, 2005**

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

**PATRICK JOSEPH TURNER, ET AL. \* CIVIL ACTION**  
**VERSUS \* NO. 05-4206**  
**MURPHY OIL USA, INC. \* CONSOLIDATED CASE**  
**SECTION "L" (2)**

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**THIS DOCUMENT RELATES TO ALL CASES**

A monthly status conference was held on this date in the Courtroom of Judge Eldon E. Fallon. In attendance on behalf of Plaintiffs were Sidney Torres, Roberta Burns, Gerald Meunier, Scott Bickford, Mickey Landry, Robert Becnel, Darryl Becnel, Van Robichaux, Gordon Crawford, Diane Zink, Madro Bandaries, Joseph Bruno, E. Carroll Rogers, Dawn Barrios, Rebecca Cunard, Daniel Becnel, Walter Dumas, J.R. Whaley, and Keith Crawford. In attendance for Defendants were George Frilot, Kerry Miller, Danny Dysart, and A.J. Krouse. At the conference, counsel reported to the Court on the topics set forth in the Joint Agenda of Plaintiffs' and Defendant's Liaison Counsel.

**1. Discovery Issues**

Discovery in preparation for the class certification hearing on January 12 is progressing according to schedule. Several remaining depositions of plaintiffs will occur in the next few days, and the expert depositions have been scheduled. IT IS ORDERED that Defendant produce the name of the individual responsible for Murphy Oil's Rule 30(b)(6) corporate deposition on or before December 23, 2005. Counsel are to report to the Court regarding any discovery disputes that may occur. In addition, counsel agreed that a formal Pretrial Order is not necessary for the

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class certification hearing. Instead, the parties' briefs and exhibit and witness lists will suffice.

IT IS ORDERED that counsel produce their exhibit lists on or before January 6, 2006.

**2. Murphy Oil's Settlements with Represented Plaintiffs**

Plaintiffs' liaison counsel advised the Court that Murphy Oil has entered a settlement with at least one of the named plaintiffs in this litigation. Apparently, the settlement meeting occurred prior to the plaintiff's signing of a representation agreement with counsel, and the plaintiff had advised Murphy that he was unrepresented. Murphy Oil stated that all of its adjusters should be aware of which claimants are represented by counsel, and that this should not be occurring in the future. If any other such instances occur, the Court should be advised so that it can take appropriate action.

**3. Plaintiffs' Notice of Objection to Discovery Propounded by Murphy Oil USA, Inc. to Putative Class Members**

Plaintiffs have filed a notice of objection to certain discovery requests made by Murphy Oil in connection with the class certification hearing. Plaintiffs object that the discovery goes beyond class certification issues, and that the discovery of named plaintiffs rather than named class representatives is irrelevant for class certification. Nevertheless, Plaintiffs have participated in this discovery in order to keep the class certification hearing on schedule.

**4. Parties' Use of the Media and Public Announcements**

Other issues were raised regarding Murphy's use of the public media and the St. Bernard Parish government Web site, [www.murphyoilspill.com](http://www.murphyoilspill.com), postings on [Nola.com](http://Nola.com) by Plaintiffs' counsel, a letter from Plaintiffs' counsel to his clients, and Murphy's proposed advertisement about its settlement program. The Court encouraged counsel to confer on these matters. If after

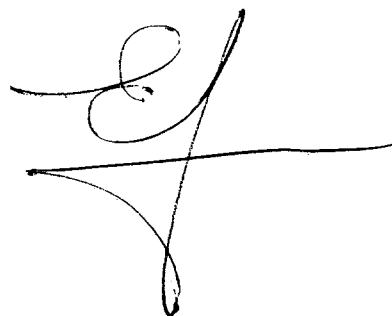
a good faith conference any issue remains outstanding, it should be brought to the Court's attention so that it can be resolved.

**5. Defendant's Motions to Dismiss**

The Court heard oral argument regarding Defendant's seven pending motions. A separate Order and Reasons shall issue regarding these motions. The motions heard by the Court are the following: 1) Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims for Punitive Damages; 2) Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims under CERCLA, RCRA, OPA and LA.R.S. 30:2015.1 for Failure to State a Claim Upon Which Relief Can Be Granted; 3) Rule 12(b)(6) Motion to Dismiss Plaintiffs' Fraud Claims or Alternatively Motion for Judgment on the Pleadings on Plaintiffs' Class Allegations; 4) Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims for Mental Anguish or Alternatively Motion for Judgment on the Pleadings on Plaintiffs' Request for Class Certification; 5) Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims for Fear/Risk of Future Disease or Illness or Alternatively Motion for Judgment on the Pleadings on Plaintiffs' Request for Class Certification; 6) Rule 12(b)(6) Motion to Dismiss Plaintiffs' Class Action Administrative Master Complaint for Lack of Standing; and 7) Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims for Personal Injury or Alternatively Motion for Judgment on the Pleadings on Plaintiffs' Request for Class Certification.

**6. Next Monthly Status Conference**

The next monthly status conference shall be held on Tuesday, January 31, 2006 at 9:00 a.m. Liaison counsel shall meet in Chambers at 8:30 a.m. prior to the conference.

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'L' shape with a horizontal line extending to the right and a vertical line extending downwards.