

**MINUTE ENTRY
FALLON, J.
MAY 16, 2006**

**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)

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, Hugh Lambert, Richard Arsenault, Val Exnicios, Linda Nelson, Jerald Andry, Ronnie Penton, Daniel Becnel, Darryl Becnel, Jean Paul Overton, Travis Turner, Paul Hesse, Sal Gutierrez, Mary Hand, and Scott Smith (for the *Bouvier* plaintiffs). In attendance for Defendant were George Frilot, Kerry Miller, Danny Dysart, and A.J. Krouse. Megan Terrell and Ryan Seidemann of the Louisiana Attorney General’s Office attended on behalf of the Louisiana Department of Environmental Quality (“LDEQ”). 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. Ongoing Disclosure of Test Results.

Plaintiffs’ Liaison Counsel reported that Murphy continues to disclose their test results to the PSC on a weekly basis, and the PSC continues to distribute these results to homeowners as the results become available.

2. Questioning Regarding Punitive Damages During Depositions

Defendant’s Liaison Counsel raised an issue that has come up during several depositions

of Murphy's employees, namely, that Plaintiffs' counsel are questioning Murphy employees about wanton or willful conduct in the context of potential punitive damages claims.

On January 30, 2006, the Court denied class treatment for Plaintiffs' claims for punitive damages, although these claims had survived an earlier motion to dismiss brought by the Defendant. The PSC believes that the punitive damages claims are still viable on an individual level, and both sides debate how and whether these claims may be brought by class members. That issue is not before the Court at this time, however. It is clear that punitive damages will not be addressed in Phase One of this trial. As discovery is limited to Phase One issues now, IT IS ORDERED that punitive damages shall not be addressed during depositions in preparation for Phase One, although some questioning regarding willful or wanton conduct may be appropriate for other elements of Plaintiffs' claims.

3. Plaintiffs' Responses to Murphy's Discovery Requests.

In December 2005, Defendant served Plaintiffs with written discovery requests. As of this date, Plaintiffs have not responded. Liaison counsel are to meet today to discuss the areas of discovery for which Defendant has urgent needs. IT IS ORDERED that Plaintiffs shall produce written discovery on the agreed-upon areas no later than May 26, 2006.

4. Amended Discovery Plan.

The parties have submitted a joint, amended discovery plan. Because the Court has tentatively arranged to continue the trial date for Phase One, the discovery plan shall be amended and resubmitted.

5. Proper Notice to All Parties of Discovery.

Scott Smith, counsel for the *Bouvier* plaintiffs, indicated that the PSC has not begun to share discovery with the opt-out plaintiffs. Murphy also raised this issue. The PSC stated that it

will work with the *Bouvier* plaintiffs to share discovery and to provide notice of upcoming discovery deadlines, including the examination of Tank 250-2 next week. The opt-out plaintiffs are to report to the Court if they continue to have problems with sharing of discovery.

6. Murphy's Motion to Clarify 7% Set Asides.

The Court shall issue a separate Order and Reasons today upon Murphy's Motion for Clarification of Pretrial Order Number 8A (Rec. Doc. No. 291).

7. Safety Training of Plaintiffs' Experts at Murphy's facility.

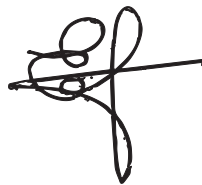
In preparation for next week's inspection of Tank 250-2, the PSC brought to the Court's attention the safety training requirements that Murphy has imposed upon Plaintiffs' experts. The PSC argues that the requirements are unduly onerous in light of the experts' extensive training and experience. The Court suggested that the parties bring this issue to the Court's attention via a motion in which the experts provide an affidavit waiving the risks involved in not receiving training and stating their relevant experience.

8. PSC's and *Bouvier* Plaintiffs' Motions in Limine.

These motions shall be heard in a separate hearing on this date at 2:00 p.m.

9. Next Monthly Status Conference.

The next monthly status conference shall be held on Monday, June 12, 2006 at 10:00 a.m. Liaison counsel are to meet at 9:30 a.m. in Chambers prior to the conference. **Please note the change in the usual time for the conference.**

A handwritten signature in black ink, appearing to be the initials 'JF' or similar, with a long horizontal stroke extending to the right.