

**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**

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MDL No. 2179

SECTION: J

JUDGE BARBIER

**This Document Relates to:
*Cases in the B3 Pleading Bundle,
Including No. 13-3747***

MAG. JUDGE WILKINSON

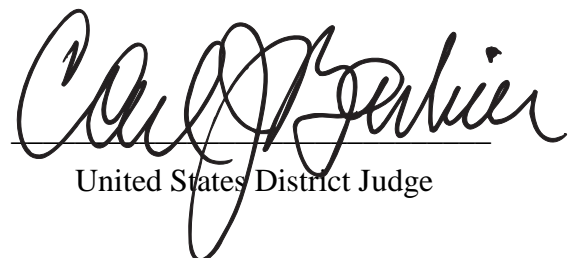
ORDER

The Court received the attached e-mail from attorneys representing companies who allegedly were involved in oil spill response/clean up but were not one of the “Clean-Up Responder Defendants” named in the B3 Master Complaint. In short, counsel asks the Court to consider dismissing certain lawsuits filed by B3 Plaintiffs, for reasons explained in the e-mail. It does not appear that counsel copied opposing counsel (or the opposing parties, if unrepresented) on this e-mail.

IT IS ORDERED that the Clerk file the attached e-mail into the record.

IT IS FURTHER ORDERED that any party wishing to respond to the attached e-mail shall file a written response by June 21, 2017,

New Orleans, Louisiana, this 7th day of June, 2017.


United States District Judge



MDL 2179 / Deepwater Horizon / B3 Claims

Kirk Gasperecz to: Ben_Allums@laed.uscourts.gov

06/05/2017 04:42 PM

"James T. Rogers III", "hlebas@lebaslaw.com",
Cc: "susan@djrlawfirm.com", "thassingier@gallowayjohnson.com",
"CWB@Staines-Eppling.com", "wbrockman@bluewilliams.com",

Ben,

We represent companies allegedly involved in the clean-up that were sued several years ago, but were not among the original thirteen (13) "Clean-Up Responder Defendants." So, too, do the attorneys copied on this e-mail. The Court will recall that the "Original Thirteen" were named as defendants in the "Master Complaint." The claims against the last eleven (11) of them were dismissed on August 2, 2016, pursuant to summary judgment motions that they filed based primarily on the government contractor immunity defense. Our clients rely on the same defenses as did these defendants.

Under PTO 63, the B3 Plaintiffs who were part of a lawsuit (complaint) with more than one plaintiff or a class action were required to file individual complaints. It turns out that, when all or substantially all of these B3 Plaintiffs filed individual complaints, they decided not to name our clients as defendants. Unfortunately, this does not end our clients' involvement because they remain defendants in the original B3 lawsuits (complaints) filed by these B3 Plaintiffs. (*E.g.*, compare Daniel Hatcher's complaint [Rec. Doc. 1] in 17-3179 (filed pursuant to PTO 63), which does not name ES&H, Inc. as a defendant, with the petition [Rec. Doc. 1-1] filed by Mr. Hatcher and seven (7) other plaintiffs in 13-3747, which does name ES&H, Inc.) Those earlier cases have been stayed, and, therefore, remain "open" on the Court's docket.

On or before June 7, 2017, BP is required to furnish the Court a list of all B3 Plaintiffs who complied with PTO 63 and a list of all B3 Plaintiff who made some form of submission, but whose submissions are believed to be materially deficient. "For those B3 Plaintiffs deemed to be compliant with [PTO 63], the Court will discuss procedures for addressing their claims at a [future] hearing"

We are simply requesting that, when Judge Barbier considers an Order(s) addressing the B3 Plaintiffs who complied with PTO 63 and/or those who did not, he also consider dismissing and closing the original lawsuits (complaints) filed by those B3 Plaintiffs who recently filed individual complaints, as required by PTO 63, since they did not name our clients as defendants in their most recent complaints. We believe this can be done without prejudicing the B3 Plaintiffs' rights and claims against those parties who, unlike our clients, were named as defendants in the recently-filed individual complaints.

Regards,

Kirk

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