

**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**

**MDL NO. 2179**

**SECTION J**

**Applies to: *All Cases***

**JUDGE BARBIER  
MAGISTRATE JUDGE SHUSHAN**

**ORDER**

**[Regarding Misleading Websites]**

The Court has been contacted by Patrick Juneau, Court Appointed Claims Administrator for the Proposed Class Action Settlements, and notified the Court of two websites which he considers to be misleading and confusing as possibly related to the official court administered site:

[www.bpclaims.org](http://www.bpclaims.org) and [www.deepwaterhorizonsettlementclaims.com](http://www.deepwaterhorizonsettlementclaims.com).

These sites, operated and/or sponsored by William Bohack, are, in Mr. Juneau’s view deceptive. Mr. Juneau reports that a claimant in the economic settlement called the court supervised claim office to inquire as to the status of his claim. After checking, it was discovered that the claimant had not filed his claim using the official website, [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), but instead with one of the above sites.

The Court has now had an opportunity to review the sites. The site [www.bpclaims.org](http://www.bpclaims.org) purports to be “[A]n independent advocacy network.” It states that it will “organize & maximize your personal & business BP claims” and it provides an 800 number to call. Only when you get to the very bottom of that page does a viewer see, after the copyright information, that the site is “A Lawyer Referral Service: BP Claims... Your GCCF and BP Claims Solution.” Below that, there is a disclosure that states that the website has been prepared for informational purposes only and that the site does not employ any attorneys and information on the site is not legal advice. The claim

further has an arrow pointing at in bold, green and red “Start Your BP Claim Here Free Case Review.”

The site designated as [www.deepwaterhorizonsettlementclaims.com](http://www.deepwaterhorizonsettlementclaims.com) has wording as follows:

“Deep Water Horizon Settlement Claims contact us today to start your claim;” “Deepwater Horizon Settlement Experts” and “If you are an individual or Business that is seeking compensation from the Deepwater Horizon Settlement Fund, odds are you may have multiple claims, most do. The staff at bpclaims.org can help you identify them and document them;” “We are your point of contact for the Attorneys, Adjusters and the other BP Claims Professionals that make up our Team. We have been working with these groups for a long time. They get Results. If you have issues with any of your Claims, or you just want an update, you have one number to call 1-800-BP-CLAIM.”

After receiving a letter from Mr. Juneau (Exhibit 1) and several emails and telephone calls from David Duval, Mr. Juneau’s employee, Mr. Bohack placed on the first page of [deepwaterhorizonsettlementclaims.com](http://deepwaterhorizonsettlementclaims.com), the following notice in red, in bold, all in caps with an exclamation:

“WE ARE NOT THE COURT SUPERVISED SETTLEMENT WEBSITE, WE OFFER AN INDEPENDENT SERVICE TO MAXIMIZE YOUR CLAIM.”

Further down that page there is a notice that states “Please Note: This is NOT the Court Authorized Settlement website.” To date, no such disclaimers have been added to the bpclaims.org site.

Having reviewed the two websites, the Court finds that they lead potential claimants to believe that they are making claims with the Court authorized website on which a claimant may make an official claim. The disclaimer information which was placed on [www.deepwaterhorizonsettlementclaims.com](http://www.deepwaterhorizonsettlementclaims.com) does not cure the misleading nature of the site. Rather, the statement that “we offer an independent service to maximize your claim” leads a viewer

to believe that the site may even be better than the official site, if he or she picks up the distinction.

This Court, in supervising this multi-district litigation and this proposed class action settlement, has broad authority to exercise control over matters affecting the cases, potential class members, and the court supervised class-action settlement program.<sup>1</sup>

Accordingly, IT IS ORDERED that William Bohack and any other owners or operators of the two above-mentioned websites **either**:

- 1) **Show cause on the 1st day of August, 2012 at 9:30 a.m.** why they should not be enjoined from posting websites that may lead claimants to believe they are directly making claims with the official court administered site; **or**
- 2) **Within five (5) working days of entry of this order** post at the top of every page of every site he and/or they operate related to the Deepwater Horizon Class Settlement a prominent banner which states: This is not the Official Court Authorized Website. Go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com) to make a claim directly with the Court Authorized Program.

New Orleans, Louisiana, this 19<sup>th</sup> day of July, 2012.

  
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**CARL J. BARBIER**  
**United States District Judge**

**The clerk is to serve:**  
**William Bohack**  
**billbohack67@gmail.com**

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<sup>1</sup> See *In re Lupron Mktg. & Sales Practices Litig.*, MDL 1430, 2004 WL 3049754 (D. Mass. Dec. 21, 2004) (ordering websites that were “blatantly misleading and deliberately intended to deceive potential plaintiffs” to remove certain misleading information and add a prominent disclaimer); *Manual for Complex Litig., Fourth* § 21.33 (2004) (“The judge has ultimate control over communications among the parties, third parties, or their agents and class members on the subject of the litigation to ensure the integrity of the proceedings and the protection of the class.” (citing Fed. R. Civ. P. 23(d) and cases)).

**DEEPWATER HORIZON**  
**CLAIMS CENTER**  
ECONOMIC & PROPERTY DAMAGE CLAIMS

**Patrick A. Juneau**  
Claims Administrator

July 13, 2012

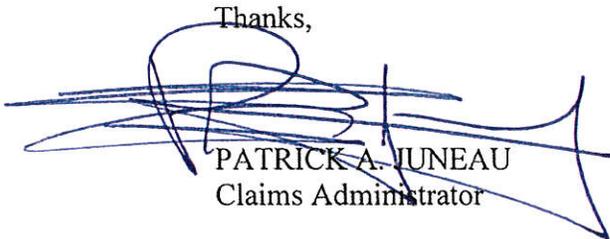
Mr. William Bohack  
billbohack67@gmail.com

RE: Website

Dear Mr. Bohack:

On July 3, 2012, you were instructed to add a notice to your website that explains it is not the Official Court Authorized Website. As of today's date, we have not seen any notification of this addition. I am again requesting you make this modification immediately to prevent any confusion on the part of claimants.

Thanks,



PATRICK A. JUNEAU  
Claims Administrator

PAJ/ts