

MINUTE ENTRY
BARBIER, J.
OCTOBER 15, 2010
JS-10: 1 hr, 35 min.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MDL NO. 2179

IN RE: OIL SPILL by the OIL RIG
"DEEPWATER HORIZON" in the
GULF OF MEXICO, on
APRIL 20, 2010

SECTION: J

JUDGE BARBIER
MAG. JUDGE SHUSHAN

COURTROOM DEPUTY:
EILEEN STENSRUD

COURT REPORTER:
JODI SIMCOX

FRIDAY, OCTOBER 15, 2010 9:30 A.M.
JUDGE CARL J. BARBIER PRESIDING

STATUS CONFERENCE

Court begins at 9:30 a.m.

Case called.

Counsel make their appearance for the record.

Liaison counsel and steering committees are introduced.

Plaintiffs' Motion to Amend/Correct Pretrial Order No. 1 (to Serve Omnibus
Discovery Requests) (#509): ORDERED GRANTED.

Plaintiffs' Motion to Expedite Consideration of Plaintiffs' Motion to Amend Pretrial
Order No. 1 (510): ORDERED DENIED as moot.

The Court adopts the defendants' position that there should be a B-3 and a B-4
bundle designation. B-3 shall be designated as "Post-Explosion Clean-Up

Claims,” while B-4 shall be labeled “Post-Explosion Emergency Responder Claims.”

IT IS ORDERED that the proposed scheduling order is revised with 14c tenders to be made by FEBRUARY 15, 2011 and third party and cross-claims due by MARCH 15, 2011.

Defendants’ object to the discovery schedule as to non-limitation trial discovery: The court finds that discovery should proceed as scheduled and that Plaintiffs will be required to complete an agreed upon one-page “profile” form. The parties shall confer as to the contents of such form. Defendants shall be entitled to additional discovery with respect to any test case or bellwether plaintiffs.

IT IS ORDERED that BP instruct its contractors, including the Gulf Coast Claims Facility, to preserve all evidence relating to all claims filed or paid.

Oil Pollution Act test case trials will commence around June, 2011. Counsel for BP shall advise the court and all counsel in writing by OCTOBER 22, 2010 as to whether BP formally waives the \$75 million OPA damages cap.

Counsel inform the court that a dispositive motion deadline was not included in the proposed Case Management Order. The Court ORDERS counsel to amend this document by 5 p.m. on OCTOBER 18, 2010.

The Court introduces Special Master Francis McGovern to all counsel.

The Court is informed that Lexis-Nexis File and Service should be up and running by OCTOBER 25, 2010.

A conference will be held shortly with Magistrate Judge Sally Shushan to resolve remaining issues in the Pre-Trial Orders governing confidentiality, privilege, electronically-stored evidence and document production, direct filing, and deposition protocol.

Mr. Underhill, representing the Department of Justice, reports on the Blow-Out Preventer testing facility and protocol. (Status Conference Exhibit 1 is admitted).

Halliburton’s Motion for Relief from Preservation of Evidence Obligations of PTO No. 1 (494): ORDERED GRANTED.

Halliburton’s Motion to Expedite Motion for Relief (496): ORDERED DENIED as MOOT.

An update is given on the status of 10-MDL-2185.

Counsel informed the Court of the status of the Gulf Coast Claims Facility.

A Translation Service has volunteered to translate the Court's orders, etc, into several languages.

Defendant Transocean invites plaintiffs' counsel to schedule settlement conferences with Magistrate Judge Shushan.

The next conference will be held on NOVEMBER 19, 2010 at 9 a.m.

Court adjourns at 11:05 a.m.

ATTORNEYS: See attached list

**UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
DEPARTMENT OF THE INTERIOR
JOINT INVESTIGATION CONDUCTED BY
UNITED STATES COAST GUARD
BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT**

**In the Matter of the Fire & Explosion on the
Deepwater Horizon**

TO: Parties-in-Interest

Below is a status update for the DEEPWATER HORIZON Macondo well Blowout Preventer system (BOP), which is currently located at the NASA Michoud Assembly Facility ("NASA/Michoud facility"), and is being prepared for continuation of the ongoing forensic testing process. As explained below, the phased forensic testing plan is proceeding expeditiously and in accordance with the JIT's goal of seeking technical input from the interested parties to the extent reasonably possible. In accordance with the foregoing collaborative process, the forensic testing design plan has included a technical workshop in Houston on September 14th; the receipt of technical input from interested parties on October 8th and 11th; and DNV will further confer with interested parties who submitted comments prior to the completion of the final BOP testing protocols. A brief outline of the ongoing BOP phased forensic testing process is set out below:

- September 11, 2010, the BOP and Lower Marine Riser Package (LMRP) arrived by barge at Coast Guard Base Support Unit (BSU) New Orleans, located on the NASA/Michoud facility.
- September 14, 2010, DNV Columbus Inc. (a subsidiary of Det Norske Veritas) the organization hired by the Board to conduct the BOP forensic testing, held a test plan design workshop in Houston, TX. The workshop, which was open to the Parties-in-Interest (PIIs) and Parties in the Multi-District Litigation (MDL), provided the opportunity for open and collaborative dialogue between the Parties and DNV about the comprehensive BOP testing procedures.
- September 23, 2010, Michoud Site preparations continued, testing platforms for the BOP and LMRP were completed and the equipment required identified. DNV continued to review maintenance records and other documents related to the BOP, to the extent provided by relevant PIIs, as well as video and photos of the intervention efforts associated with the BOP since the incident on April 20, 2010.
- September 28, 2010, the Board received the draft testing protocols from DNV, which incorporated input from the Parties who attended the BOP workshop.
- September 28, 2010, the Yellow and Blue Control Pods were lifted from the LMRP and moved to the West Dock in preparation of flushing the two control Pods.

- September 29, 2010, the Yellow and Blue Control Pods were flushed using recently manufactured and supplied hydraulic fluids (i.e. Stack Guard)
- September 30, 2010, the draft testing protocols were sent to all interested parties. In accordance with the goal of seeking collaborative input, the draft protocols requested comments and input from all PIIs. To allow adequate time to respond, submissions and comments were to be submitted by Friday, October 8, 2010.
- October 4, 2010, the BOP and LMRP were transferred from the barge to the test stands at the NASA/ Michoud facility.
- Last week, on October 8, 2010, the Board received input from four interested parties regarding the draft testing protocols.
- On Saturday October 11, 2010, the Board received input from another three interested parties regarding the draft testing protocols. This input is being analyzed by DNV and will be considered for incorporation into the final testing protocols.

The final testing protocols will be submitted to the JIT for final approval on or about October 15, 2010 and will be distributed to all interested parties upon the JIT's approval. The final testing protocols will include a technical work group who will be onsite and available as a resource for the DNV investigators. Work has been ongoing continuously at the Michoud facility in preparation for the physical testing procedures. As part of these preparations, critical work related to the forensic testing process started and has continued, including stabilization and preservation of evidence, as well as a structured review and mapping of the physical alterations or modifications made to the BOP and LMRP as part of the ROV interventions. A structure to house the BOP and the LMRP will be erected during the later phases of the forensic investigations when more of the technically advanced procedures and examinations are planned. Having a structure in place around the BOP in the earlier, break-down phases of the examination may actually impede the investigation.

The Board will receive an interim test report from DNV 35 days after the initial tests begin.

Please direct all comments or questions to the attorneys representing the Joint Investigation Board: Lieutenant Commander Jeff Bray, (202) 309-9559, jeff.r.bray@uscg.mil; and Silvia Murphy, (202) 219-3031, silvia.murphy@sol.doi.gov.

Dated this 12th day of October 2010.

NGUYEN.
HUNG.
M.1184496450

Digitally signed by NGUYEN.
HUNG.M.1184496450
DN: cn=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USCG,
cn=NGUYEN.HUNG,
M.1184496450
Date: 2010.10.12 10:50:36 -10'00'

Captain Hung Nguyen
Co-Chair, Joint Investigation
1201 Elmwood Park Blvd.
New Orleans, Louisiana 70123-2394

Attendance Record

MDL-2179 Oil Spill by the Oil Rig
"Deepwater Horizon"

Pre-Trial Conference—October 15, 2010

PLEASE PRINT

<u>Name</u>	<u>Telephone</u>	<u>CLIENT NAME</u>
<u>Joey Diaz</u>	<u>601 607 3459</u>	<u>[REDACTED]</u>
<u>CHRIS HANNAN</u>	<u>504 566 8612</u>	<u>Underway</u>
<u>JIMMY ROUSSEL</u>	<u>504 566 5200</u>	<u>DEEPWATER - UNDERWRITERS COLLOID'S</u>
<u>MARCY McFORD</u>	<u>504 589 9212</u>	<u>"</u>
<u>GENIE O'NEILL</u>	<u>504 589 9299</u>	<u>TIMOTHY ^{ACCESS} FOSTER</u>
<u>JANNA ESPINO</u>	<u>214 521 3605</u>	<u>" " "</u>
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<u>Mike Espy</u>	<u>601/613-1617</u>	<u>MDL/OFA</u>
<u>Francis Peto</u>	<u>954/318-0268</u>	<u>MDL/PIC</u>
<u>GARY HENRISTILL</u>	<u>504-584-9222</u>	<u>MDL</u>
<u>Robin Greenwald</u>	<u>212-558-5802</u>	<u>SEACOR</u>
<u>Douglas Kraus</u>	<u>601 225-928-5253</u>	<u>le</u>
<u>Frank Lopez</u>	<u>(504) 571-1750</u>	<u>MDL/owner plaintiff</u>
<u>Daniel Lopez</u>	<u>(727) 929-7481</u>	<u>in</u>
<u>Pat Wang</u>	<u>504 985 8736200</u>	<u>Duet</u>
<u>Will Burton</u>	<u>504 585 3000</u>	<u>Terr. Parish</u>
<u>Brett Powers</u>	<u>337-494-7171</u>	<u>ATG</u>
		<u>TT</u>

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<u>Name</u>	<u>Telephone</u>	<u>CLIENT NAME</u>
<u>Chris Coffin</u>	<u>225-687-6396</u>	<u>Dugas</u>
<u>David Toscano</u>	<u>212-450-4000</u>	<u>HFI</u>
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<u>David McElenon</u>	<u>504-261-8660</u>	<u>BSU</u>
<u>Olle Wittmann</u>	<u>504/581-3200</u>	<u>CAMERON</u>
<u>Scott Brickley</u>	<u>561-9065</u>	<u>TI</u>
<u>Lloyd Frischet 2</u>	<u>504-523-1500</u>	<u>Robin V. Secor</u>
<u>Jennifer Ackam</u>	<u>525-1979</u>	<u>Self</u>
<u>Sabrina Powell</u>	<u>504 940 7294</u>	<u>self</u>
<u>Robert Lessieur</u>	<u>404-281-8109</u>	
<u>FRANK GONZALEZ</u>	<u>205-476-7400</u>	<u>TI/SHUT</u>
<u>Greg Johnson</u>	<u>504/556-4115</u>	<u>BP</u>
<u>Aaron Ahlquist</u>	<u>504-525-7272</u>	<u>TI</u>
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<u>JAMES DUBAN</u>	<u>704-648-0180</u>	<u>IP</u>
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<u>DEBBIE MCCOY</u>	<u>337-291-2431</u>	<u>BRONDUM, AICARD, HARMON</u>

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<u>Name</u>	<u>Telephone</u>	<u>CLIENT NAME</u>
David A. Bagwell	251-928-2970	MOI
Gary Russo	337-262-9000	WFT Int'l
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Michael Lake	202-682-7157	Seacoast Oilfield's
Andrew Gunn	504-581-4892	^
Genny Martz	214-939-4620	Halliburton
Rebecca Conard	225-925-2978	ITS
MARCUS J. Szwedoff	713-653-5600	Babson
Elizabeth Cobasor	415-806-2100	Cajun Marsh / PSC
Emily Jeffcott	210-447-0500	Wah
Michael Watts	210-447-0500	Van
Michael Ecyer	504-595-3333	Drumford
Daniel Foley	504-586-9395	Galliano / Plaintiff
Opalorn Fayard	225-864-4192	PSC
Fred Lopez	215-592-1500	ITS
JASON R. Bonnet	504-585-7500	Abadi, et al
ERIC Verth	504-234-2291	Plaintiff

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<u>Name</u>	<u>Telephone</u>	<u>CLIENT NAME</u>
<u>Don & Bulgharian</u>	<u>415 393-2170</u>	<u>MOEX offshore</u>
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<u>Matthew McNamee</u>	<u>228 241-0414</u>	<u>Sarah Moore</u>
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<u>ROBERT CUNNINGHAM</u>	<u>251 471 6191</u>	<u>PSC</u>
<u>K FLORIAN BOCALER</u>	<u>504-920-6666</u>	<u>BP &</u>
<u>Don Haycraft</u>	<u>581 7979</u>	<u>BP Exp</u>
<u>Karen Guse</u>		<u>BP Exp</u>
<u>Andy Langan</u>	<u>312 862 2064</u>	<u>BP Exp</u>
<u>PAUL STERBCOW</u>	<u>504 558 1500</u>	<u>PSC</u>
<u>Brian Barr</u>	<u>650 572 2164</u>	<u>PSC</u>
<u>Roy Amodeo</u>	<u>704 923 3222</u>	<u>MARSHALLS</u>
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<u>Keith Jarrett</u>	<u>504-581-7779</u>	<u>BP</u>

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<u>ALAN KAMMER</u>	<u>524-5777</u>	<u>STATE OF LA</u>
<u>Hugh Tanner</u>	<u>713-390-5180</u>	<u>STATE OF LA</u>
<u>Jeff Breit</u>	<u>757-615-8382</u>	<u>M-I L, L, C.</u>
<u>Tom Isokoff</u>	<u>713-680-0077</u>	<u>PI PSC</u>
<u>Neil Kuchler</u>	<u>592-0691</u>	<u>Transocean</u>
<u>Walter Fink</u>	<u>704-790-9008</u>	<u>Anadarko + MOEX</u>
<u>Michael Pflager</u>	<u>599-3385</u>	<u>Enbridge</u>
<u>Louise Grum</u>	<u>207-730</u>	<u>Chadwick Creppel</u>
<u>Sussex Burt</u>	<u>2147296265</u>	<u>C. Duen's</u>
<u>William Lays</u>	<u>2142067881</u>	<u>PL</u>
<u>Cory Itkin</u>	<u>713-222-3800</u>	<u>Plaintiffs Liaison</u>
<u>Coren Gisterson</u>	<u>504-581-4892</u>	<u>Plaintiffs</u>
<u>Steve Herman</u>	<u>504-581-4892</u>	<u>Plaintiffs</u>
<u>Debra Broussard</u>	<u>8326362838</u>	<u>APC</u>

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<u>Name</u>	<u>Telephone</u>	<u>CLIENT NAME</u>
Alan Weigel	212-885-5350	MSRC
Edwark Parris	337-237-6062	TRANSCO/ACE
Emily E. Oelhardt	504-638-0392	Plaintiff
Maura Hunt	504-599-3224	"
John Andry	504-586-899	Plaintiff
LANCE LUBEL	832-283-7535	IP
TOM HEIDEN	312 876 6564	NALCO
Max Sweetman	504-799-0500	NALCO
Frank Smith	704-680-3004	USAO
MIKE UNDERHILL	415-236-6648	US DOT
Walter J. Legner, Jr.	504-588-9413	Plaintiffs
Garry Miller	599 8194	Tenacious Offshore
Paul Smith	504 681 6097	Offshore
James R. Ray	337-2333033	PL. LITTON/ PSC
Kevin Dean	843-216-9152	Shempel et al PITS
Billy Bonner	281-471-6191	

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<u>Name</u>	<u>Telephone</u>	<u>CLIENT NAME</u>
<u>Ky Kirby</u>	<u>202-373-6795</u>	<u>ANADARKO</u>
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<u>Janna Mead</u>	<u>321-213-1971</u>	
<u>NED KOHNKE</u>	<u>581-6062</u>	<u>TRANSOCEAN</u>
<u>Scott Sunny</u>	<u>214-384-1913</u>	<u>PSL</u>
<u>Brent Coon</u>	<u>409-835-2666</u>	<u>TI</u>
<u>Rhan Jones</u>	<u>334-219-2343</u>	<u>TI</u>
<u>DAN GODWIN</u>	<u>214-939-4412</u>	<u>HALL BURTON</u>
<u>DAVID BUEK</u>	<u>713-951-6209</u>	<u>CHAMBERLAIN</u>
<u>BEN LAARRIER</u>	<u>541-578-0108</u>	
<u>Justin [unclear]</u>	<u>504-525-1375</u>	<u>Alex</u>
<u>Matt Hendy</u>	<u>337-439-0707</u>	<u>PSL</u>
<u>Stephen Murray Sr.</u>	<u>504-525-8100</u>	<u>PLI</u>
<u>Carlos Zelaya</u>	<u>504-569-8732</u>	<u>TI</u>
<u>Allan [unclear]</u>	<u>504-524-5777</u>	<u>LA AG</u>
<u>Dennis Barrow</u>	<u>713-659-6400</u>	<u>Dril-Orip</u>

