

Minute Entry
Barbier, J.
January 7, 2015
JS 10: 53 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 (1)
	:	Ref: 10-4536
	:	
	:	JUDGE BARBIER
	:	MAG. JUDGE SHUSHAN
.....		
COURTROOM DEPUTY:		COURT REPORTER:
STEPHANIE KALL		CATHY PEPPER

**PRETRIAL CONFERENCE
REGARDING PENALTY PHASE TRIAL
JANUARY 7, 2015 2:00 P.M.
JUDGE CARL J. BARBIER PRESIDING**

The Court held a Final Pretrial Conference regarding the Penalty Phase trial scheduled to commence January 20, 2015 and expected to last 3 weeks. The following matters were discussed:

All decisions by the Court are tentative and subject to amendment.

Trial Schedule:

1st week: Tuesday, January 20, 2015 - Friday, January 23, 2015, 8 a.m. until 6 p.m.
2nd & 3rd weeks: Monday through Thursday, 8 a.m. until 6 p.m.

Presentation of evidence: each side (United States and BP/Anadarko) is allowed 45 hours (90 hours total).

The Court Reporter will keep track of time allocation for all parties.

Opening statements shall be one hour for each side.

Marshalling of Exhibits: The Marshalling Conference is currently scheduled for February 24, 2015 at 2:00 P.M., before Judge Shushan.

Post-Trial Briefing Schedule:

Post-Trial Briefs due on March 27. BP-40 pages. Anadarko-20 pages. United States-60 pages total (max. 40 pages to address BP, max. 20 pages to address Anadarko).

Proposed Findings of Fact and Conclusions of Law due on March 27.

Reply Briefs due on April 24. BP-20 pages. Anadarko-10 pages. United States-30 pages total (max. 20 pages to address BP, max. 10 pages to address Anadarko).

The parties reported that Den Uyl and Ratner supplemental expert reports were completed and submitted. Parties were reminded to adhere to page limits set by the Court.

Parties reported on the status of 8 penalty factors.

PENALTY PHASE MOTIONS:

The Court discussed BP's Motion for Judicial Notice of Prior Civil Penalties (Rec. Doc. 13811), previously granted as unopposed (Rec. Doc. 13938).

US Memorandum on the Burden of Proof for the Penalty Factors and related briefing (Rec. Docs. 12479, 12532, 12533): ORDERED that, to the extent the United States' filing is considered a motion, it is DENIED AS MOOT OR UNNECESSARY.

US Motion Seeking a Legal Ruling Regarding the Applicable Statutory Maximum Regulation (Rec. Doc. 13654) and BP's Rule 12(c) Motion to Establish as a Matter of Law the Maximum CWA Per-Barrel Civil Penalty (Rec. Doc. 13666): ORDERED RULING DEFERRED.

BP's Motion in Limine to Exclude Evidence Relating to the Economic Impact of a CWA Penalty on BP Group Entities other than BPXP (Rec. Doc. 13813): ORDERED DENIED.

BP's Motion in Limine to Preclude the United States from Introducing Evidence for the Purpose of Establishing the Liability of BP Group entities other than BPXP (Rec. Doc. 13822): ORDERED GRANTED.

BP's Letter Brief/Motion to exclude evidence relating to prior incidents (Rec. Doc. 13978): ORDERED GRANTED. The Court's previous order (Rec. Doc. 13867) permits only the introduction of the plea agreement and factual basis for the four prior incidents.

PRESENT: see attached

A handwritten signature in black ink, appearing to be the initials 'JMS' or similar, written in a cursive style.

Attendance Record

MDL-2179 Oil Spill by the Oil Rig
“Deepwater Horizon”

Pretrial Conference Penalty Phase—January 7, 2015

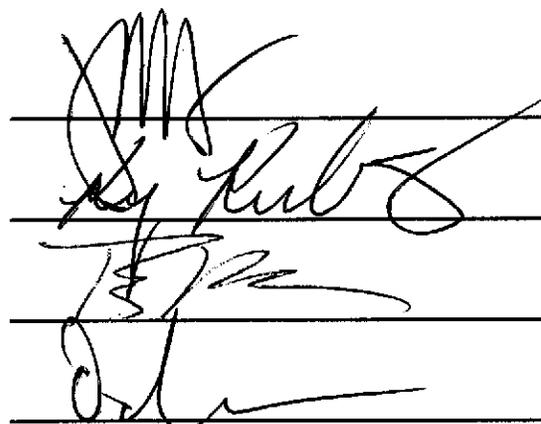
Anadarko

Jim Dragna

Ky Kirby

Tom Lotterman

David Salmons



Handwritten signatures for Anadarko attendees: Jim Dragna, Ky Kirby, Tom Lotterman, and David Salmons.

BP

Mike Brock

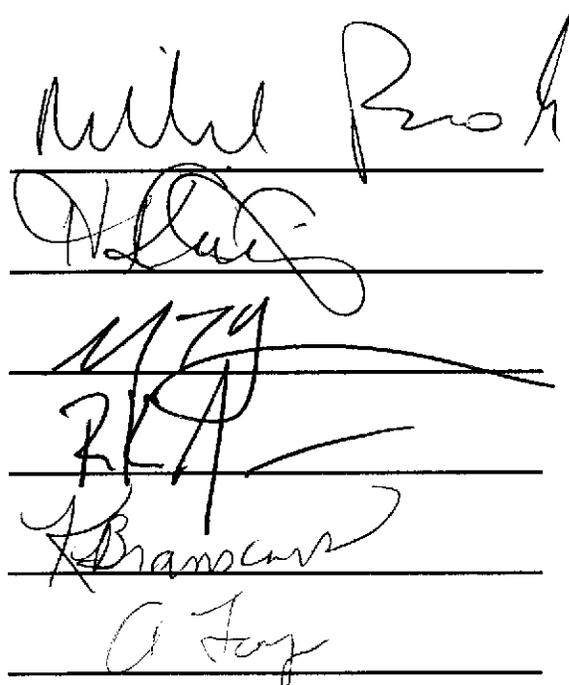
Carrie Karis

Matt Regan

Keith Jarrett

Kim Branscome

Andy Langan



Handwritten signatures for BP attendees: Mike Brock, Carrie Karis, Matt Regan, Keith Jarrett, Kim Branscome, and Andy Langan.

Attendance Record

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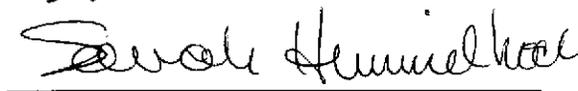
United States

Steve O'Rourke



Steve O'Rourke

Sarah Himmelhoch



Sarah Himmelhoch