

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>PATRICK JOSEPH TURNER, ET AL.</b>	*	<b>CIVIL ACTION</b>
<b>VERSUS</b>	*	<b>NO. 05-4206</b>
<b>MURPHY OIL USA, INC.</b>	*	<b>CONSOLIDATED CASE SECTION "L" (2)</b>

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**THIS DOCUMENT RELATES TO ALL CASES**

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**LEGAL NOTICE OF CLASS CERTIFICATION**

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**TO: ALL PEOPLE RESIDING OR OWNING PROPERTY NEAR THE MURPHY OIL USA REFINERY. PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS.**

**1. Description of the Case.**

On September 3, 2005, Murphy Oil USA, Inc. notified the federal government that approximately 25,110 barrels of crude oil escaped from a 250,000-barrel above-ground storage tank at Murphy Oil's refinery in St. Bernard Parish, Louisiana. Some of this oil traveled into the neighborhoods surrounding the refinery.

As a result, twenty-seven consolidated class actions were filed on behalf of several thousand people claiming damages in connection with the oil spill. Plaintiffs are homeowners and business owners in St. Bernard Parish who claim they have suffered damage as a result of the spill.

Murphy's position is that the leak was not its fault, but rather was due to the effects of Hurricane Katrina and/or the fault of the Army Corps of Engineers, the agency responsible for

the Mississippi River Gulf Outlet and the levees protecting the community.

On January 30, 2006, the Court certified these cases as a class action and granted the Plaintiffs' Motion for Class Certification for all persons living within the area described in the class definition (see Section 2 below). The following five individuals were named as class representatives: Phyllis N. Michon, Cherie Scott Perez, Fernand Marsolan, Jr., Robin Diaz Clark, and James Shoemaker. The Court also approved the following attorneys as class counsel: Sidney Torres, Richard Arsenault, Daniel Becnel, Val Exnicios, Michael Stag, Mickey Landry, Scott Bickford, Hugh Lambert, Joseph Bruno, Madro Bandaries, William Bradley, Ronnie Penton, Robert Becnel, Walter Leger, Donni Young, Darleen Jacobs, E. Carroll Rogers, Salvador Gutierrez, Michael Hingle, Walter Dumas, Anthony Irpino, and Gerald Meunier.

The Court certified the following claims for class-wide treatment:

- Negligence (Louisiana Civil Code article 2315)
- Liability of Landowner for activity that deprives his neighbor of enjoyment or causes damage (Civil Code articles 667 and 2315)
- Strict Liability (Civil Code articles 2317 and 2322)
- Nuisance (Civil Code articles 667-669)
- Trespass (Civil Code articles 3421 and 3425)
- Groundwater Contamination (Louisiana Revised Statutes 30:2015.1)

Under these claims, the Plaintiffs have asked for damages and attorneys' fees for the following injuries: contamination of property, cost of homogeneous restoration, loss of use of property, increased living expenses, extended displacement costs, diminution of property value, ecological damages, loss of income, lost profits, lost business opportunity, inconvenience, mental anguish, emotional distress, bodily harm, past and future medical expenses, injunctive relief, and damages or payments for remediation of groundwater.

After hearing the evidence, the Court found that the twenty-seven cases filed were

appropriate for treatment as a class action. A “class action” is a suit in which certain named individuals, the class representatives, sue on behalf of the unnamed members of the class. All individuals who choose to remain in the class are bound by any judgment rendered in the class action, and this judgment could be favorable or unfavorable to the class member.

The Court certified these cases as a class action because 1) the plaintiffs were so numerous that trials of individual cases would be impractical, 2) there are questions of law and fact common to the class members, 3) the claims of the class representatives are typical of the claims of other plaintiffs, 4) the class representatives will fairly and adequately protect the interests of the class, 5) the issues common to all class members predominate over issues that affect only individual plaintiffs, and 6) the class action format is superior to other available methods of judicial resolution of this dispute.

A full copy of the Court’s decision granting class certification may be viewed at [www.laed.uscourts.gov](http://www.laed.uscourts.gov). (Please follow the “Murphy Oil” link on the left side of the front page to navigate to the Court’s opinion.) Murphy is appealing this decision to the Fifth Circuit Court of Appeals. The class action is proceeding to trial while the appeal of certification is pending. The Court has set a date of August 14, 2006 for the first phase of the trial in this case. This phase will determine Murphy Oil’s liability, if any, for the spill at issue.

## **2. The Class Definition**

The Court has certified, at this time, the following class:

All persons and/or entities who/which have sustained injuries, loss, and/or damages as a result of the September 2005 spill of crude oil and any other related substances from a storage tank located on Defendant Murphy Oil USA, Inc.’s property in Meraux, Louisiana, and who/which on August 29, 2005, were residents of, or owned properties or businesses in, the following area: Beginning north,

from the 40 Arpent Canal with its intersection in the west at Paris Road in Chalmette, Louisiana, and traveling along Paris Road in a southerly direction to its intersection with St. Bernard Highway, then heading east from this intersection along St. Bernard Highway to Jacob Drive, then heading north along Jacob Drive to the intersection with East Judge Perez Drive, then heading east along East Judge Perez Drive to its intersection with Mary Ann Drive, then heading north along Mary Ann Drive to the 40 Arpent Canal.

A map setting forth the boundaries of the class is attached to this notice. A color version of the map may be viewed at [www.laed.uscourts.gov](http://www.laed.uscourts.gov) (follow the “Murphy Oil” link). If you fall within this class definition, you will be legally bound by all determinations made by the Court concerning the class unless you opt-out in the manner described below.

The Court chose a class area that is larger than Murphy Oil’s “settlement zone” and smaller than the area proposed by the Plaintiffs. The Court designated this area based upon the evidence produced at the January 12, 2006 class certification hearing. The Court reached its decision after considering the opinions of experts hired by the Plaintiffs and by Murphy Oil, reports by the Environmental Protection Agency (EPA) and other state and federal agencies that have examined the area, as well as other evidence admitted at the class certification hearing.

### **3. Opting-Out of the Class Action**

If you want to participate in the class action and you are within the class area as defined in this notice, you do not need to take any action at this time. If you are a member of the class, Murphy Oil is legally prohibited from dealing with you individually or directly concerning your claim.

On the other hand, if you do not want to participate in the class action, you must opt out of the class action. If you opt out of the class action, you are responsible for either settling your claim with Murphy or bringing your own lawsuit against Murphy in connection with the

September 2005 spill. If you opt out, you will not be able to share in monetary damages, if any, that the Plaintiffs may obtain in this litigation. You may wish to consult with an attorney before you make a decision to opt out or to remain in this litigation.

In order to opt-out, you must email, fax, or write a letter to both Sidney Torres, Liaison Counsel for Plaintiffs, and Kerry Miller, Liaison Counsel for Murphy. Mr. Torres' contact information is as follows:

Sidney Torres  
Liaison Counsel for Plaintiffs  
1290 7th Street  
Slidell, Louisiana 70458  
Fax: (985) 661-8914  
Email: [storres@torres-law.com](mailto:storres@torres-law.com)

Mr. Miller's contact information is as follows:

Kerry Miller  
Liaison Counsel for Murphy Oil  
1100 Poydras Street, Suite 3600  
New Orleans, Louisiana 70163  
Fax: (504) 599-8145  
E-mail: [kmiller@fpkc.com](mailto:kmiller@fpkc.com)

**\* \* \* IF YOU CHOOSE TO OPT-OUT, YOU MUST DO SO BEFORE JUNE 1, 2006. \* \* \***

#### **4. Questions Concerning Your Legal Rights**

If you have questions concerning your legal rights as a member of the class action, more information about the case is available on the Court's Web site, [www.laed.uscourts.gov](http://www.laed.uscourts.gov) (follow the "Murphy Oil" link). You may also contact your own lawyer or any of the lawyers listed above as class counsel.

The above notice is approved for publication this 3rd day of February, 2006.

  
Eldon E. Fallon  
UNITED STATES DISTRICT JUDGE