

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

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| PATRICK JOSEPH TURNER, ET. AL. | * | CIVIL ACTION NO. 05-4206 |
| Plaintiffs | * | |
| | * | |
| VERSUS | * | SECTION "L" |
| | * | |
| MURPHY OIL USA, INC. | * | MAGISTRATE "2" |
| Defendant | | |

**MEMORANDUM IN SUPPORT OF
JOINT MOTION TO DISTRIBUTE DUPLICATE
SETTLEMENTS AND ATTORNEYS' FEES**

Murphy Oil USA, Inc. ("Murphy") and the Out of Area Plaintiffs, represented herein by Plaintiffs' Liaison Counsel ("the Parties"), file this memorandum in support of their Joint Motion to Distribute Duplicate Settlements and Attorneys' Fees.

As this Court is well aware, the parties have agreed to settle the oil spill out of area claims based upon three settlement zones of \$1500, \$600, and \$250.¹As part of the proposed settlement, Murphy has also agreed to pay additional 40% attorneys fees separate and apart from the settlements. Exhibit D to the Joint Motion to Disburse Settlement Fund filed on August 31, 2009 contained a list of plaintiffs purportedly

¹ For a full background of these claims and the proposed settlement, see the Joint Motion to Disburse Settlement Funds and Appoint Cy Pres Committee (Rec. Doc. 2793).

represented by two or more attorneys in multiple cases. See Exhibit “A” (Spreadsheet identifying the remaining duplicate claims).

I. Settlements associated with duplicated claimants.

On September 18, 2009, Murphy was ordered by the Court to, among other things, escrow the attorneys’ fees for the duplicated plaintiffs pending resolution of those claims on a case by case basis. See Order dated September 18, 2009 (Rec. Doc. 2801).

The parties have discussed this issue, and believe the most efficient way to resolve duplicate representation is to provide the settlement funds to the attorney listed first on the attached spreadsheet (Exhibit A) as counsel for a particular client, which attorney would then be responsible for distribution of the settlement funds to that plaintiff. For example, the law firm of Martzell & Bickford and the Andry Firm (Jonathan Andry) both claim to represent Beatrice Trabeaux at 2912 Munster Drive, Meraux, Louisiana. Since Martzell & Bickford appear on the duplicate spreadsheet first, Murphy would provide the settlement payment to that firm for payment to Beatrice Trabeaux.

The only exception to the above would involve the eight plaintiffs who are shown to be represented by Daniel Becnel and one or more other law firms, all of whom are indicated with highlighting on Exhibit “A.” For those plaintiffs, the firms which are shown as duplicate attorneys representing these plaintiffs have agreed that all fees in connection with these plaintiffs will be paid to Daniel Becnel together with the plaintiffs’ settlement funds for which he will be responsible for distribution to the eight plaintiffs.

Exhibit “B” attached hereto, identifies the firms and amounts of settlements that

would be paid to each law firm for distribution to the duplicated plaintiffs based upon the distribution plan outlined above.

II. Attorneys' fees associated with duplicate claims.

With regard to attorneys' fees associated with each duplicate, Plaintiffs' Liaison Counsel has advised that the attorneys representing duplicate plaintiffs have agreed to split the attorneys' fees associated with each claimant. Using the aforementioned Beatrice Trabeaux example, and based upon Liaison counsel's advices, the law firm of Martzell & Bickford and The Andry Firm would equally split the \$600 attorneys' fee. Exhibit "C," attached hereto, identifies the attorneys' fees payable to each attorney based upon splitting of attorneys' fees between those claiming to represent each duplicated plaintiff.

CONCLUSION

For the foregoing reasons, Murphy Oil USA, Inc. and Plaintiffs' Liaison Counsel, on behalf of the Plaintiffs, respectfully request an order consistent with the above, and specifically request the order:

- 1) direct the defendant, Murphy, to issue payment in settlement to each law firm as identified on Exhibit "B;" and
- 2) direct the defendant, Murphy, to split the attorneys fees associated with each claimant as identified in Exhibit "C."

Respectfully submitted,

/s/Kyle A. Spaulding
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Plaintiffs' Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2009, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of filing to all counsel accepting electronic notice.

/s/Kyle A. Spaulding