

**MINUTE ENTRY
FALLON, J.
APRIL 6, 2006**

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

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

THIS DOCUMENT RELATES TO ALL CASES**

At today's monthly status conference, Defendant Murphy Oil USA, Inc. urged an Oral Motion for Contempt. Over the last week, a mailing went out to class members from the Plaintiffs' Steering Committee (PSC). Exhibit 1, attached, is a copy of the letter, and Exhibit 2, attached, is an envelope addressed to a class member in which the letter was sent. The two-page letter discusses the benefits of class membership and lists the reasons why class members should not opt-out of the class action. This letter preceded the mailing of the Court's class certification notice.

Defendant argues that the PSC has acted in disobedience of this Court's orders regarding the formulation and distribution of class notice. Since class certification on January 30, counsel and the Court have worked to ensure that the notice was drafted quickly so that it could be distributed to the class as quickly as possible. Defendant argues that the Court's clear intention was that Class Notice was to be distributed prior to any communication from counsel. As such, Defendant argues that the PSC's mailing acts to chill the effect of the Class Notice. Because Defendant believes that this mailing was in violation of the Court's directives regarding Class

JS10(00:07)

Fee _____
Process _____
 Dktd _____
 CtRmDep _____
Doc. No. _____

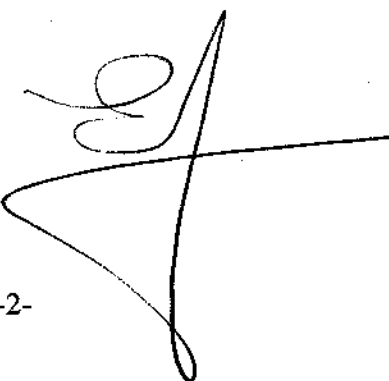
Notice, Defendant asks the Court to hold the PSC in civil contempt.

The PSC responds that, as counsel for the class, they have the right and obligation to advise their clients regarding the consequences of the class action. The PSC additionally argues that the mailing used a different address list than the Class Notice, and that the earlier address list had not been checked as thoroughly as the list used for Class Notice. Because of the need to make the Class Notice address list accurate and thorough, the PSC argues that their mailing went first, rather than the Class Notice.

After hearing the arguments of counsel, the Court expresses its disapproval of the PSC's actions regarding this mailing. The Court's understanding with counsel since February has been that Class Notice should be mailed prior to any written communication regarding the benefits of remaining in or opting out of the class. The Court notes that members of the PSC have two obligations to the Court – a legal obligation to obey its orders, and professional obligation to abide by informal agreements and understandings made between counsel and the Court. If the PSC had an accurate address list to send out its mailing, it should have sent out the Class Notice first.

However, the PSC has violated no direct order from the Court on this point. Moreover, the Notice has been posted in public places and in the newspaper prior to the PSC's letter. Thus, contempt is not appropriate. Accordingly, IT IS ORDERED that the Defendant's Oral Motion for Contempt is DENIED. Exhibits 1 and 2 shall be attached to this Minute Entry on the Court's docket of this case.

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A handwritten signature in black ink, consisting of a large, stylized 'S' or 'E' shape with a long horizontal stroke extending to the right.

DISADVANTAGES IF YOU OPT-OUT

- You must pursue Murphy on your own and by yourself and will not have the benefit of the work that will be done for the class. If you are not satisfied with Murphy's offer, you will have to file your own lawsuit.
- Your property may not be fully cleaned by Murphy's program, and you may not have all the information you need about the full extent of your damages.
- If you accept Murphy's offer, you will have to take full responsibility for any future problems, including health issues, that may arise on your property from the contamination.
- You will not get to the courthouse quickly, and your expenses in pursuing Murphy alone will be substantial.

The settlements Murphy is offering are unfair and do not account for loss of property value, mental distress, or possible long and short term health effects from exposure to the pollution. Do not let Murphy divide the citizens of St. Bernard whose lives have been devastated by the oil spill. If you are a member of the class, you will remain a member unless you opt-out. We urge you to remain a member, protect your rights, and help rebuild St. Bernard.

SIDNEY D. TORRES, III, Esq.
8301 W. Judge Perez Dr., Suite 303
Chalmette, LA 70043
Telephone: 985-661-8910
**LIAISON COUNSEL
ON BEHALF OF THE COURT APPOINTED
PLAINTIFFS' STEERING COMMITTEE:**

- * Mickey P. Landry * Hugh P. Lambert * Scott R. Bickford * Joseph M. Bruno *
- * N. Madro Bandaries * William E. Bradley * Ronnie G. Penton * Robert Becnel *
- * Walter John Leger, Jr. * Donni Elizabeth Young * Darleen M. Jacobs * E. Carroll Rogers *
- * Salvador E. Gutierrez * Michael Hingle * Walter C. Dumas * Anthony D. Irpino *
- * Gerald E. Meunier *

COURT APPOINTED PLAINTIFFS' EXECUTIVE COMMITTEE:

Richard J. Arsenault, 318-487-9874
Daniel E. Becnel, Jr., 985-536-1186
Val P. Exnicios, 504-410-9611
Michael G. Stag, 504-593-9600
Sidney D. Torres, III, 985-661-8910

CA 05-4206 L/C - L

Defendant's Exhibit
Exh 1 Murphy

4-6-06

Murphy Oil Spill
8301 W. Judge Perez Dr., Suite 303
Chalmette, LA 70043

04-05-4206 - etc - L

Defendant's Exhibit

2 - Murph

4-9-06
S

*****3-DIGIT 701

DANIEL L DYSART
513 S DILLON ST
NEW ORLEANS LA 70123-1232

PRESORTED
FIRST CLASS
U.S. POSTAGE PAID
MIPRESS