

**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

ORDER AND REASONS

Before the Court is Defendant Murphy Oil USA, Inc.'s ("Murphy's") Motion for Clarification of Pretrial Order No. 8A (Rec. Doc. No. 291). This motion was filed on April 18, 2006. For the following reasons, the motion is DENIED.

In Pretrial Order 8A, the Court expanded the imposition of set-asides for the potential common-benefit work of Plaintiffs' counsel in light of Murphy's acknowledgment that it had expanded its settlement area. In the present motion, Murphy argues that Pretrial Order 8A is in conflict with the Court's Order and Reasons regarding class certification of January 30, 2006.

In its January 30, 2006 Order and Reasons regarding class certification, the Court stated that Murphy was making settlements outside of its established settlement zone. Murphy argues that the expansion of its settlement area is not a new development based upon any common-benefit work, and that the Court has implicitly recognized as much by stating that Murphy was making settlements outside of its settlement zone. Murphy argues that, because there was no common-benefit work by Plaintiffs' counsel in expanding Murphy's settlement area, there should be no expansion of set-asides.

The Court views the expansion of Murphy's settlement area differently. Although Murphy stated in January that it was making settlements outside of its settlement area, the Court understood at that time that the settlements outside the area were isolated and on an individual basis. Murphy has now made a global expansion of the settlement area that it had previously established: this is not the same isolated settlement process that was occurring in January. Thus, the Court's class certification order and its Pretrial Order 8A are not inconsistent.

The Court makes no findings at this stage as to whether Murphy's expansion of its settlement area was due to the common-benefit work of Plaintiffs' counsel; however, this conclusion is entirely reasonable, given that the Plaintiffs have expended considerable resources in the interim in securing class certification. Set-asides are appropriate based upon that expansion of the settlement area, while the Court reserves ruling until a later date upon whether this expansion was due to common-benefit work.

Accordingly, Murphy's Motion for Clarification of Pretrial Order 8A is hereby DENIED.

New Orleans, Louisiana, this 16th day of May, 2006.


United States District Judge