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**ORDER OF THE FIFTH CIRCUIT
(APRIL 18, 2018)**

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

IN RE: DEEPWATER HORIZON,

ACTION RESTORATION, INCORPORATED,

Plaintiff–Appellant,

v.

BP AMERICA, INCORPORATED; BP, P.L.C; BP
PRODUCTS NORTH AMERICA, INCORPORATED;
BP EXPLORATION & PRODUCTION,
INCORPORATED; TRANSOCEAN, LIMITED;
TRANSOCEAN DEEPWATER, INCORPORATED;
TRANSOCEAN OFFSHORE DEEPWATER
DRILLING, L.L.C.; HALLIBURTON ENERGY
SERVICES, INCORPORATED,

Defendants–Appellees.

JAMES GLICK; RUSSELL LENGACHER;
LUKE MARTIN; NELSON MAST,

Plaintiffs–Appellants,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA PRODUCTION

COMPANY; BP CORPORATION NORTH AMERICA, INCORPORATED; BP, P.L.C.; TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INCORPORATED; TRANSOCEAN HOLDINGS, L.L.C.; TRANSOCEAN DEEPWATER, INCORPORATED; TRANSOCEAN, LIMITED; TRITON ASSET LEASING GMBH; HALLIBURTON ENERGY SERVICES, INCORPORATED; SPERRY DRILLING SERVICES,

Defendants–Appellees.

SGI LAND COMPANY, L.L.C.; GARY PESCE, Doing Business as OCEAN FLEX OMTS; KYRT M. WENTZELL; KYRT M. WENTZELL INNOVATIONS, Doing Business as CHUM CHURN,

Plaintiffs–Appellants,

v.

BP EXPLORATION & PRODUCTION, INCORPORATED; BP AMERICA PRODUCTION COMPANY; BP CORPORATION NORTH AMERICA, INCORPORATED; BP, P.L.C.; TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INCORPORATED; TRANSOCEAN HOLDINGS, L.L.C.; TRANSOCEAN DEEPWATER, INCORPORATED; TRANSOCEAN, LIMITED; TRITON ASSET LEASING GMBH; HALLIBURTON ENERGY SERVICES, INCORPORATED; SPERRY DRILLING SERVICES,

Defendants–Appellees,

SGI LAND COMPANY, L.L.C.; GARY PESCE,
Doing Business as OCEAN FLEX OMTS;
KYRT M. WENTZELL; KYRT M. WENTZELL
INNOVATIONS, Doing Business as CHUM CHURN,

Plaintiffs–Appellants,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA PRODUCTION
COMPANY; BP CORPORATION NORTH
AMERICA, INCORPORATED; BP, P.L.C.;
TRANSOCEAN OFFSHORE DEEPWATER
DRILLING, INCORPORATED; TRANSOCEAN
HOLDINGS, L.L.C.; TRANSOCEAN DEEPWATER,
INCORPORATED; TRANSOCEAN, LIMITED;
TRITON ASSET LEASING GMBH; HALLIBURTON
ENERGY SERVICES, INCORPORATED;
SPERRY DRILLING SERVICES,

Defendants–Appellees.

JAMES GLICK; RUSSELL LENGACHER;
LUKE MARTIN; NELSON MAST,

Plaintiffs–Appellants,

v.

TRANSOCEAN HOLDINGS, L.L.C.; TRANSOCEAN
DEEPWATER, INCORPORATED; TRANSOCEAN
OFFSHORE DEEPWATER DRILLING,
INCORPORATED; HALLIBURTON ENERGY
SERVICES, INCORPORATED; BP EXPLORATION
& PRODUCTION, INCORPORATED; SPERRY

DRILLING SERVICES; BP AMERICA
PRODUCTION COMPANY,

Defendants–Appellees.

KYRT M. WENTZELL; KYRT M. WENTZELL
INNOVATIONS, Doing Business as CHUM CHURN,

Plaintiffs–Appellants,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA PRODUCTION
COMPANY; TRANSOCEAN OFFSHORE
DEEPWATER DRILLING, INCORPORATED;
TRANSOCEAN HOLDINGS, L.L.C.; TRANSOCEAN
DEEPWATER, INCORPORATED; HALLIBURTON
ENERGY SERVICES, INCORPORATED;
SPERRY DRILLING SERVICES,

Defendants–Appellees.

GARY PESCE, Doing Business as
OCEAN FLEX OMTS,

Plaintiff–Appellant,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA PRODUCTION
COMPANY; TRANSOCEAN OFFSHORE
DEEPWATER DRILLING, INCORPORATED;

TRANSOCEAN HOLDINGS, L.L.C.; TRANSOCEAN
DEEPWATER, INCORPORATED; HALLIBURTON
ENERGY SERVICES, INCORPORATED;
SPERRY DRILLING SERVICES,

Defendants–Appellees.

SGI LAND COMPANY, L.L.C.,

Plaintiff–Appellant,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA PRODUCTION
COMPANY; TRANSOCEAN OFFSHORE
DEEPWATER DRILLING, INCORPORATED;
TRANSOCEAN HOLDINGS, L.L.C.; TRANSOCEAN
DEEPWATER, INCORPORATED; HALLIBURTON
ENERGY SERVICES, INCORPORATED;
SPERRY DRILLING SERVICES,

Defendants–Appellees.

ROMY F. BEREL, III,

Plaintiff–Appellant,

v.

BP, P.L.C.; BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA
PRODUCTION COMPANY,

Defendants–Appellees.

MARK R. RODGERS,

Plaintiff–Appellant,

v.

BP, P.L.C.; BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA
PRODUCTION COMPANY,

Defendants–Appellees.

ULTRA WIRELINE SERVICES, L.L.C.,

Plaintiff–Appellant,

v.

BP, P.L.C.; BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA
PRODUCTION COMPANY,

Defendants–Appellees.

KERN MARTIN SERVICES, INCORPORATED,

Plaintiff–Appellant,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA
PRODUCTION COMPANY,

Defendants–Appellees.

DANIEL CEPEDA; FERNANDO CANUL
MIJANGOS; JOSE CATANA, JUAN CEPEDA
RODRIGUEZ; PESCADORES DEL GOLFO DE
MEXICO, S.C. DE R.L.,

Plaintiffs–Appellants,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA PRODUCTION
COMPANY; BP P.L.C.; HALLIBURTON ENERGY
SERVICES, INCORPORATED,

Defendants–Appellees.

RAOUL A. GALAN, JR.

Plaintiff–Appellant,

v.

BP, P.L.C.; BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA
PRODUCTION COMPANY,

Defendants–Appellees.

No. 17-30936

Appeals from the United States District Court for the
Eastern District of Louisiana, 2:10-MD-2179

Before: DENNIS, SOUTHWICK, and
HIGGINSON, Circuit Judges

PER CURIAM

IT IS ORDERED that the motion of appellees, BP America Production Company; BP America, Incorporated; BP Corporation North America, Incorporated; BP Exploration & Production, Incorporated; BP Products North America, Incorporated; BP, P.L.C.; Halliburton Energy Services, Incorporated; Sperry Drilling Services; and Transocean Deepwater, Incorporated, to the extent it seeks to dismiss the appeals of Action Restoration, Incorporated, James Glick, Kyrt M. Wentzell Innovations, Russell Lengacher, Luke Martin, Nelson Mast, Gary Pesce, SGI Land Company, L.L.C., and Kyrt M. Wentzell is GRANTED because those appeals were not timely filed in compliance with PTO 60. To the extent the motion seeks to dismiss the appeals of Romy F. Berel, III, Mark R. Rodgers, and Ultra Wireline Services, L.L.C., it is DENIED because these appeals were timely filed. The district court did not dismiss the claims of Berel, Rodgers, and Ultra Wireline Services until it issued the PTO 64 Compliance Order, which indicated that the claims of all parties listed in Exhibit 4 (which included Berel, Rodgers, and Ultra Wireline Services) would be dismissed as of July 19, 2017. This dismissal was not final until November 8, making the appeal filed on November 30 timely.

IT IS FURTHER ORDERED that the opposed alternative motion of those same appellees for summary affirmance is DISMISSED as moot as to those appeals we have dismissed as untimely. We GRANT summary

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affirmance of the appeals of Romy F. Berel, III, Mark R. Rodgers, and Ultra Wireline Services because those parties neither opted out nor complied with PTO 60. The alleged difficulties of compliance with the opt-out order are not an excuse. *See In re Deepwater Horizon*, 814 F.3d 748, 751 (5th Cir. 2016).

IT IS FURTHER ORDERED that the unopposed motion of appellants, Action Restoration, Incorporated, James Glick, Kyrt M. Wentzell Innovations, Russell Lengacher, Luke Martin, Nelson Mast, Gary Pesce, SGI Land Company, L.L.C., and Kyrt M. Wentzell to place under seal its response/opposition both to the motion to dismiss the appeals and the alternative motion for summary affirmance, is GRANTED.

**ORDER OF THE DISTRICT COURT OF
LOUISIANA [AS TO REMAINING CASES
IN THE B1 PLEADING BUNDLE FOLLOWING
PTO 60, PTO 64, AND THE MORATORIUM
HOLD OPT-OUT ORDER]
(JULY 9, 2017)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: OIL SPILL BY THE OIL RIG
“DEEPWATER HORIZON” in the
GULF OF MEXICO, on April 20, 2010,

MDL No. 2179, SECTION: J

This Document Relates to:
All Cases in the B1 Pleading Bundle

Before: Mag. Judge WILKINSON and
Carl J. BARBIER, United States District Judge

A. The PTO 60 Process (Background)

Early in this multidistrict litigation the Court established eight separate “pleading bundles” for different categories of claims. (Pretrial Order 11, Rec. Doc. 569). The “B1” bundle included claims for non-governmental economic loss and property damages by private individuals and businesses, and it was pled pursuant to a “B1” Bundle Master Complaint. (Rec. Doc. 879, amended Rec. Doc. 1128). On March 29, 2016, the Court issued Pretrial Order 60 (“PTO 60”), which

dismissed the B1 Master Complaint and required that all B1 plaintiffs who had timely filed a claim in the B1 bundle and who had not released their claims to file and serve a three-page sworn statement (“Sworn Statement”) regarding the status of his/her/its claim. PTO 60 also required that any B1 plaintiff who had previously filed only a short form joinder and/or a “mass joinder” lawsuit (one joined by one or more other plaintiffs) to file an individual complaint. The deadline to comply with PTO 60 was May 2, 2016, later extended to May 16, 2016.

On June 7, 2016, the Court issued an Order to Show Cause Regarding Compliance with PTO 60 (“Show Cause Order,” Rec. Doc. 18724) which identified thousands of plaintiffs that BP in good faith believed made submissions in response to PTO 60 that complied with the requirements of PTO 60. The Show Cause Order also listed plaintiffs who made submissions in response to PTO 60 that BP believed were materially deficient. Those who were not deemed compliant with PTO 60 were required to show cause in writing why their B1 claims should not be dismissed with prejudice. On July 14, 2016, the Court issued an Order Re: Compliance with PTO 60. (“Compliance Order,” Rec. Doc. 20996). The Compliance Order identified approximately 962 B1 plaintiffs who had complied with PTO 60 and had not yet resolved their claims against BP. On December 16, 2016, the Court issued the “PTO 60 Reconciliation Order,” which deemed an additional 57 B1 plaintiffs as compliant with PTO 60. (Rec. Doc. 22003).

B. PTO 64 and the Moratoria Hold Opt-Out Order

On February 22, 2017, the Court issued Pretrial Order No. 64/Case Management Order No. 6 (“PTO 64,” Rec. Doc. 22297), one of the goals of which was to identify those “Remaining B1 Plaintiffs”¹ who could plausibly allege a claim under general maritime law.² To this end, PTO 64 required that each Remaining B1 Plaintiff who wished to pursue a general maritime law claim must complete and serve upon BP’s counsel and the Plaintiffs’ Steering Committee (“PSC”) by April 5, 2017 a “Sworn Statement Regarding General Maritime Law Claims.” If a Remaining B1 Plaintiff failed to comply with PTO 64, then that plaintiff’s general maritime law claim(s) would be deemed waived and “any such general maritime law claims shall be dismissed without further notice and with prejudice.” (PTO 64 at 3). Non-compliance with PTO 64 would not result in the dismissal of an OPA claim, however. On May 10, 2017, BP submitted in camera to the Court and to the PSC reports on those who did and did not comply with PTO 64.

¹ As used in PTO 64, “Remaining B1 Plaintiffs” meant those plaintiffs who had been deemed compliant with PTO 60 and who had not voluntarily dismissed their claims.

² The Court has previously ruled that B1 plaintiffs may bring a claim under general maritime law tort, in addition to or in alternative of a claim under the Oil Pollution Act of 1990, 33 U.S.C. § 2701, et seq. However, only commercial fishermen or those who suffered damage to a proprietary interest have a cause of action under general maritime law. *See In re: Oil Spill by the Oil Rig Deepwater Horizon*, 902 F. Supp. 2d 808 (E.D. La. 2012); *In re: Oil Spill by the Oil Rig Deepwater Horizon*, 808 F. Supp. 2d 943, 962 (E.D. La. 2011).

While the PTO 64 process was underway, the Court issued on March 17, 2017 an Order Regarding Claims in the Economic Settlement that Are Subject to the Moratoria Hold. (“Moratoria Hold Opt-Out Order,” Rec. Doc. 22390). Under the Moratoria Hold Opt-Out Order, claimants who had an unresolved claim in the Deepwater Horizon Economic and Property Damages Settlement (“Economic Settlement”) that was on “Moratoria Hold” were given the option to exclude (“opt-out”) that claim from the Economic Settlement by submitting an opt-out form by April 24, 2017. Furthermore, these claimants could bring these newly opted-out claims in litigation provided they satisfied PTO 60’s requirements—*i.e.*, file an individual complaint and/or a Sworn Statement—by June 23, 2017. The Court has since received reports from the Claims Administrator and BP on those claimants/plaintiffs who submitted opt-outs, individual complaints, and/or Sworn Statements in response to the Moratoria Hold Opt-Out Order.

C. Remaining Cases in the B1 Pleading Bundle Following PTO 60, PTO 64, and the Moratorium Opt-Out Order

The deadlines relative to PTO 64 and the Moratoria Hold Opt-Out Order have passed, and the Court has reviewed the reports on the various submissions. Four exhibits are attached to this Order.

EXHIBIT 1 to this Order lists 215 plaintiffs that the Court deems to be compliant with PTO 60 and PTO 64. Accordingly, to the extent a plaintiff listed in EXHIBIT 1 asserted in his/her/its individual complaint a B1 claim under the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2701 et seq., and/or general maritime law,

which has not been otherwise dismissed, that claim is not dismissed by this Order and is subject to further proceedings of this Court.

EXHIBIT 2 to this Order lists 419 plaintiffs that the Court deems to be compliant with PTO 60, but are not compliant with PTO 64.³ Accordingly, to the extent a plaintiff in EXHIBIT 2 asserted or could have asserted a B1 claim under general maritime law, that claim will be dismissed with prejudice. To the extent a plaintiff in EXHIBIT 2 asserted in its individual complaint a B1 claim under OPA which was not otherwise dismissed, that claim is not dismissed by this Order and is subject to further proceedings of this Court.

EXHIBIT 3 lists 344 individuals and entities that submitted a response to PTO 64, but had not complied with PTO 60.⁴ These individuals' and entities' B1 claims (whether asserted under general maritime law, OPA, or any other law) previously were dismissed with prejudice in the Compliance Order of July 14, 2016 (Rec. Doc. 20996 at p.5 ¶¶ 3, 4) or, in select instances, the PTO 60 Reconciliation Order of December 16, 2016 (Rec. Doc. 22003 at 32-35).

³ EXHIBIT 2 consists of (a) 333 Remaining B1 Plaintiffs who submitted no response to PTO 64, (b) 73 Remaining B1 Plaintiffs who submitted a response to PTO 64 that was materially deficient; and (c) 13 claimants in the Economic Settlement who submitted a valid opt-out of a "Moratoria Hold" claim from the Economic Settlement by April 24, 2017, and complied with PTO 60 by June 23, 2017, in accordance with and pursuant to the Moratoria Hold Opt-Out Order.

⁴ Consequently, such individuals and entities were not "Remaining B1 Plaintiffs," as set forth in PTO 64.

Finally, EXHIBIT 4 lists 17 individuals and entities who attempted, but failed, to comply with the requirements of the Moratoria Hold Opt-Out Order.⁵ Some of these individuals and entities recently filed a complaint in litigation. Those complaints will be dismissed with prejudice.

D. Order

In accordance with the above,

1. IT IS ORDERED that the 215 plaintiffs listed in EXHIBIT 1 to this Order are deemed to be compliant with PTO 60 and PTO 64. To the extent a plaintiff listed in EXHIBIT 1 asserted in his/her/its individual complaint a B1 claim under the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2701 et seq., and/or general maritime law, which has not been otherwise dismissed, that claim is not dismissed by this Order and is subject to further proceedings of this Court.

2. IT IS FURTHER ORDERED that the 419 plaintiffs listed in EXHIBIT 2 to this Order are deemed to be compliant with PTO 60, but are not compliant with PTO 64. To the extent a plaintiff in EXHIBIT 2 asserted or could have asserted a B1 claim under general maritime law, that claim is DISMISSED WITH PREJUDICE. To the extent a plaintiff in EXHIBIT 2 asserted in its individual complaint a B1 claim under OPA which was not otherwise dismissed,

⁵ For example, some individuals attempted to opt out a claim from the Economic Settlement that was not subject to a Moratoria Hold, or they had no claims in the Economic Settlement—such opt-outs are invalid. Others submitted a valid opt-out, but then failed to comply with PTO 60 by June 23, 2017.

that claim is not dismissed by this Order and is subject to further proceedings of this Court.

3. IT IS FURTHER ORDERED that the 344 individuals and entities listed in EXHIBIT 3 are not compliant with PTO 60 or PTO 64. The B1 claims of the individuals and entities listed in EXHIBIT 3 previously were dismissed with prejudice in the Compliance Order (Rec. Doc. 20996) or, in select instances, the PTO 60 Reconciliation Order (Rec. Doc. 22003).

4. IT IS FURTHER ORDERED that the cases listed in EXHIBIT 4 are DISMISSED WITH PREJUDICE.

5. IT IS FURTHER ORDERED that BP shall, to the extent practicable, mail or e-mail a copy of this Order and the attached Exhibits to all parties who indicated on their PTO 64 Sworn Statement or PTO 60 Sworn Statement that they are not represented by an attorney.

New Orleans, Louisiana, this 19th day of July,
2017

/s/ Carl J. Barbier
United States District Judge

**ORDER RE: COMPLIANCE WITH PTO 60
[REGARDING ALL REMAINING CLAIMS
IN PLEADING BUNDLE B1]
(JULY 14, 2016)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL BY THE OIL RIG
“DEEPWATER HORIZON” in the
GULF OF MEXICO, on April 20, 2010

MDL No. 2179, Section J

Before: Carl J. BARBIER, Judge,
SHUSHAN, Magistrate Judge.

In order to facilitate the effective administration of this multidistrict litigation and the prosecution of the coordinated actions herein, the Court established eight separate “pleading bundles” for different categories of cases and claims. (PTO 11, Rec. Doc. 569). The “B1” Bundle included claims for Non-Governmental Economic Loss and Property Damages by Private Individuals and Businesses, and it was pled pursuant to a “B1” BUNDLE MASTER COMPLAINT. (Rec. Doc. 879, amended Rec. Doc. 1128).

The Court previously employed the B1 Master Complaint as a procedural device for administrative purposes to facilitate the filing of short-form joinders by plaintiffs. Plaintiffs were permitted to join in the B1 Master Complaint by filing short-form joinders

pursuant to Pretrial Orders 20, 24, and 25. (Rec. Docs. 904, 982, 983). Individual and business plaintiffs who filed lawsuits that raised non-governmental economic loss and property damages claims and were consolidated with these proceedings were deemed “B1” Plaintiffs, even if they did not also file a short-form joinder. (Rec. Doc. 983 at 2).

On August 26, 2011, the Court issued an order dismissing aspects of the Amended B1 Master Complaint. (Rec. Doc. 3830).

On December 21, 2012, the Court certified the Economic and Property Damages Settlement Class and granted final approval of the Economic and Property Damages Settlement Agreement that resolved many of the claims in the B1 bundle. (Rec. Docs. 8138 (Order and Reasons), 8139 (Order and Judgment)). Some B1 Plaintiffs were excluded from the Settlement Class, and others timely submitted requests to opt out from the class settlement. All B1 claims by members of the Settlement Class are subject to the classwide release of their claims, except for claims expressly reserved under the Settlement Agreement.

Considering that the subject oil spill had occurred more than five years earlier, the Clerk was directed by Order dated September 4, 2015, to docket no further short-form joinders in docket number 10-8888. (Rec. Doc. 15321).

Seeing no further administrative or procedural benefit to maintaining the Amended B1 Master Complaint, in Pre-Trial Order No. 60 (“PTO 60”) (Rec. Doc. 16050) the Court dismissed the Amended B1 Master Complaint in its entirety on March 29, 2016, but allowed the remaining B1 Plaintiffs who had timely

filed a claim in the B1 bundle and who had not released their claims an opportunity to proceed with their B1 claims through compliance with PTO 60, including the timely filing of individual complaints. (*See* PTO 60, at ¶ 6.)

To assist the Court in streamlining the remaining claims in the B1 bundle, the Court ordered in PTO 60, as amended on June 3, 2016 (Rec. Doc. 18659), that all Plaintiffs who had timely filed a claim in the B1 bundle and who had not released their claims as of the date of PTO 60 were required to file and/or serve certain required submissions by May 16, 2016. (*See* PTO 60, at ¶ 6.) Each remaining B1 Plaintiff was required by PTO 60 to file and serve a three-page sworn statement regarding the status of his/her/its claims. (*Id.*) In addition, any B1 Plaintiff who had filed only a short-form joinder and/or a “Mass Joinder” lawsuit (one joined by one or more other plaintiffs) was required to file an individual complaint setting out its B1 claims. (*Id.*) Notice of PTO 60’s requirements was provided on the Court’s MDL 2179 docket, by publication on the Court’s website (<http://www.laed.uscourts.gov/case-information/mdl-mass-class-action/oilspill>), by service of a copy of PTO 60 on counsel of record via File & Serve Xpress pursuant to Pretrial Order No. 12 (Rec. Doc. 600), and by a mailing of PTO 60 conducted by counsel for BP to Plaintiffs identified on a list provided by Garden City Group of all Plaintiffs who opted out of the Economic and Property Damages Settlement, signed their opt-out forms and did not indicate in that form that the plaintiff was represented by counsel. (*See id.* ¶ 11.)

Thousands of Plaintiffs filed and served submissions in response to PTO 60. On June 7, 2016, after

the deadline for compliance with PTO 60 had passed, the Court issued an Order to Show Cause Regarding Compliance with PTO 60 (Rec. Doc. 18724) (“Show Cause Order”). The Show Cause Order identified several thousand Plaintiffs that BP in good faith believed made submissions in response to PTO 60 that complied with the requirements of PTO 60. (Show Cause Order Exhibits 1A, 1B).

In addition, the Show Cause Order identified several categories of Plaintiffs in the B1 bundle that BP believed, in good faith, were not compliant with PTO 60 and who the Court ordered to show cause in writing on or before June 28, 2016, why their B1 claims should not be dismissed with prejudice for failure to comply with PTO 60. Those Plaintiffs subject to the Show Cause order included: (i) Plaintiffs that made some form of submissions in response to PTO 60, but whose submissions BP in good faith believed were materially deficient with the requirements of PTO 60 (Show Cause Order Ex. 2); (ii) Plaintiffs who filed only a “Mass Joinder” complaint in violation of PTO 60 (Show Cause Order Exs. 2 and 3); (iii) Plaintiffs who filed claims in the B1 bundle but failed to file any response to PTO 60; and (iv) any other B1 Plaintiff not listed on Exhibit 1A or Exhibit 1B to the Show Cause Order. (Show Cause Order, ¶¶ 1-5).

Plaintiffs’ time to file responses to the Show Cause Order has now passed, and the Court has received approximately 148 responses by the June 28, 2016 deadline.

On July 13, 2016, BP filed with the Court an updated list of Plaintiffs that BP, based on its review, in good faith believes made PTO 60 submissions that

complied with the requirements of PTO 60.¹ (Rec. Docs. 20992-1, 20992-2.) As represented by BP, this list (attached as EXHIBIT 1A (listed alphabetically by plaintiff) and EXHIBIT 1B (listed by case number) to this Order) includes the original list of compliant Plaintiffs provided by BP and attached to the Show Cause Order, with (a) the addition of those Plaintiffs as to which BP has indicated it does not have any remaining objection to that Plaintiff's compliance with PTO 60 based on that Plaintiff's timely show cause filing, and (b) the elimination of those Plaintiffs who complied with PTO 60 but have since dismissed their claims against BP and/or have since executed releases of their claims and are in the process of dismissing their claims against BP, as there are no further proceedings between BP and Plaintiffs who have released and/or dismissed claims against BP.

IT IS THEREFORE ORDERED as follows:

1. The Plaintiffs listed on EXHIBITS 1A and 1B to this Order are deemed compliant with PTO 60 and are subject to further proceedings in this Court solely on their claims as pled in their individual complaints. (*See* PTO 60, at ¶ 8.) To the extent any of these Plaintiffs is relying upon a previously-filed complaint that, in addition to individual claims, also contains class allegations, any embedded class allegations in those complaints are deemed stricken and only the individual Plaintiff claims are compliant with PTO 60 and can continue.

¹ Compliance with PTO 60 is not limited to the requirements of that order, and is not a statement that the claims otherwise have procedural or substantive merit.

2. BP also filed with the Court an updated list of the remainder of those Plaintiffs on BP's good faith non-compliant list attached to the Court's June 7, 2016 Order, who have made timely show cause filings but as to whom BP still has an objection to that Plaintiff's compliance with PTO 60. (Rec. Doc. 20992-3.) This list is attached to this Order as EXHIBIT 2. By July 21, 2016, BP shall file its objections to those Plaintiffs' responses to the Show Cause Order (*i.e.*, those pertaining to any Plaintiff listed in EXHIBIT 2 to this Order) that were timely filed with the Court in response to the June 7, 2016 Show Cause Order. BP's objections shall be filed as a single brief organized, to the extent practical, by issue (rather than by plaintiff or claim), with a page limit of 5 pages per issue. By July 28, 2016, any Plaintiff listed in EXHIBIT 2 may file a reply, not exceeding 3 pages, to BP's objections.

3. All remaining Plaintiffs in the B1 bundle, other than those that are either (1) identified in paragraph 1 above as compliant with PTO 60 or (2) have filed a timely response to the Show Cause Order as indicated in paragraph 2 above, are deemed noncompliant with PTO 60, and their B1 claims are hereby DISMISSED WITH PREJUDICE.

4. As to all Plaintiffs in the B1 bundle, only those Plaintiffs who have not previously released their claims, have made timely presentment as required by OPA, have previously filed an individual lawsuit, and have otherwise complied with the requirements of PTO 60 have preserved their individual claims. All other B1 bundle claims are time-barred.

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New Orleans, Louisiana, this 14 day of July, 2016.

/s/ Carl J. Barbier
United States District Court

**ORDER TO SHOW CAUSE RE: COMPLIANCE
WITH PTO 60 [REGARDING ALL REMAINING
CLAIMS IN PLEADING BUNDLE B1]
(JUNE 7, 2016)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL BY THE OIL RIG
“DEEPWATER HORIZON” in the
GULF OF MEXICO, on April 20, 2010

MDL No. 2179, Section: J

This Document relates to: All Cases in
Pleading Bundle “B1”

Before: Carl J. BARBIER, Judge,
SHUSHAN, Magistrate Judge.

In order to facilitate the effective administration of this multidistrict litigation and the prosecution of the claims remaining herein, the Court ordered in Pre-Trial Order No. 60 (Rec. Doc. 16050) (“PTO 60”) that all Plaintiffs who had timely filed a claim in the B1 pleading bundle and who had not released their claims as of the date of PTO 60 file and/or serve certain required submissions by May 2, 2016. (*See* PTO 60, at ¶ 6.) The Court received and granted several motions for extensions that requested until May 16, 2016 to comply with the PTO 60 requirements. The deadline for all Plaintiffs to comply with PTO 60 has now passed.

Paragraph 10 of PTO 60, as amended on June 3, 2016 (Rec. Doc. 18659), ordered BP on that date to submit in camera to the Court, and serve on the PSC, (i) a list of Plaintiffs that BP in good faith believed made submissions in response to PTO 60 that complied with the requirements of PTO 60 and (ii) a list of Plaintiffs that made some form of submissions in response to PTO 60, but whose submissions BP in good faith believed were materially deficient for one or more identified reasons. (Rec. Doc. 18659.) On June 3, 2016, BP made that in camera submission to the Court and PSC.

IT IS ORDERED as follows:

1. The Court has attached as EXHIBIT 1 to this Order the list of Plaintiffs that BP, based on its review, in good faith believes made PTO 60 submissions that complied with the requirements of PTO 60. EXHIBIT 1A contains this list sorted alphabetically. EXHIBIT 1B contains the exact same list sorted by case number. Those Plaintiffs are subject to further proceedings in this Court. (*See* PTO 60, at ¶ 8.)

2. The Court has attached as EXHIBIT 2 to this Order the list of Plaintiffs that made some form of submissions in response to PTO 60, but whose submissions BP in good faith believes are materially deficient for one or more identified reasons on Exhibit 2. Any Plaintiff appearing on EXHIBIT 2 must show cause in writing on or before June 28, 2016, why this Court should not dismiss their B1 claim(s) with prejudice for failing to comply with the requirements of PTO 60.

3. Any Plaintiffs who believe they have complied with PTO 60 but are not listed on EXHIBITS 1 or 2

must show cause in writing on or before June 28, 2016, why this Court should not dismiss their B1 claim(s) with prejudice for failing to comply with the requirements of PTO 60.

4. PTO 60 required each Plaintiff who previously did not have an individual lawsuit on file (*i.e.*, only filed a short-form joinder and/or were part of a “Mass Joinder” Lawsuit) to file an individual lawsuit (one per person). (*See* PTO 60, ¶ 6(B).) Certain Plaintiffs have failed to comply with this requirement, and instead filed “Mass Joinder” Lawsuits in violation of PTO 60. Attached as EXHIBIT 3 is a list of “Mass Joinder” complaints filed in violation of PTO 60. Any Plaintiff who is part of a complaint listed in EXHIBIT 3 must show cause in writing on or before June 28, 2016, why this Court should not dismiss their B1 claim(s) with prejudice for failing to comply with the requirements of PTO 60.

5. Any plaintiff who filed a claim in the B1 pleading bundle but failed to file any response to PTO 60 must show cause in writing on or before June 28, 2016, why this Court should not dismiss their B1 claim(s) with prejudice for failing to comply with the requirements of PTO 60.

6. In PTO 60, the Court dismissed the Amended B1 Master Complaint and required Plaintiffs whose only claim in this consolidated litigation was a short-form joinder in that master complaint to file a new, separate complaint of their own. All such Plaintiffs have had an opportunity to file a new complaint under which to proceed with their claims. All short-form joinders filed in this MDL are hereby DISMISSED AS UNNECESSARY to the extent they asserted a B1 claim.

7. Following the issuance of this Order, all counsel of record should receive a copy via F&S pursuant to First Amended Pretrial Order No. 12 (Rec. Doc. 18627). This Order will also be posted on the Court's website, <http://www.laed.uscourts.gov/case-information/mdl-mass-class-action/oilspill>. Counsel for BP shall mail this Order to each unrepresented individual and business to which it previously mailed PTO 60 at the Court's direction (*See* PTO 60, ¶ 11), except for those individuals and businesses whose mailing was returned to counsel for BP as undeliverable. For purposes of this mailing, BP is only required to attach EXHIBIT 1A, EXHIBIT 2, and EXHIBIT 3 to the mailing. BP does not need to include EXHIBIT 1B with the mailing. Finally, to the extent practicable, the PSC shall email a copy of this Order to known counsel of record for Plaintiffs who joined the Amended B1 Master Complaint, and/or opted out of the Economic and Property Damages Settlement and may therefore be subject to this Order. This procedure is deemed sufficient to satisfy notice requirements for all Claimants with "B1" claims.

New Orleans, Louisiana, this 7th day of June, 2016.

/s/ Carl J. Barbier
United States District Court

**PRETRIAL ORDER NO. 60 [AS TO ALL
REMAINING CLAIMS IN PLEADING BUNDLE B1;
REQUIRING B1 PLAINTIFFS TO FILE A
COMPLAINT AND/OR SWORN STATEMENT]
(MARCH 29, 2016)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL BY THE OIL RIG
“DEEPWATER HORIZON” in the
GULF OF MEXICO, on April 20, 2010

MDL No. 2179, Section J

Applies to: All Cases in Pleading Bundle B1

Before: Carl J. BARBIER, Judge,
SHUSHAN, Magistrate Judge.

1. In order to facilitate the effective administration of this multidistrict litigation and the prosecution of the coordinated actions herein, the Court established eight separate “pleading bundles” for different categories of cases and claims. (PTO 11, Rec. Doc. 569). The “B1” Bundle included claims for Non-Governmental Economic Loss and Property Damages by Private Individuals and Businesses, and it was pled pursuant to a “B1” BUNDLE MASTER COMPLAINT. (Rec. Doc. 879, amended Rec. Doc. 1128).

2. The Court previously employed the B1 Master Complaint as a procedural device for administrative purposes to facilitate the filing of short form joinders

(SFJs) by plaintiffs. Plaintiffs were permitted to join in the B1 Master Complaint by filing short form joinders pursuant to Pretrial Orders 20, 24, and 25. (Rec. Docs. 904, 982, 983). Individual and business plaintiffs who filed individual lawsuits that raised non-governmental economic loss and property damages claims and were consolidated with these proceedings were deemed “B1” Plaintiffs, even if they did not also file a short form joinder. (Rec. Doc. 983 at 2).

3. Considering that the subject oil spill occurred more than five (5) years ago, the Clerk was directed by Order dated September 4, 2015, to docket no further short form joinders in docket number 10-8888. (Rec. Doc. 15321).

4. In addition, under its inherent power, the Court has entered a series of pretrial orders to effectively manage this multidistrict litigation. These pretrial orders have applied to all cases removed or transferred to this Court and to cases previously and subsequently filed in this Court that are within the subject matter of this MDL. Several pretrial orders have imposed requirements on plaintiffs to provide the Court and/or parties additional information necessary to the Court’s management of the litigation. These have included PTO 11, PTO 24, PTO 25, and PTO 57, as well as the Court’s November 2, 2010 Order Regarding Plaintiff Profile Forms (“PPF”) (Rec. Doc. 642).

5. The Court has previously issued an order dismissing aspects of the Amended B1 Master Complaint. (Rec. Doc. 3830). The Court now sees no further administrative or procedural benefit to maintaining the administrative Amended B1 Master

Complaint. Accordingly, the Court hereby DISMISSES the Amended B1 Master Complaint in its entirety.

6. To assist the Court in streamlining the remaining claims and to facilitate the administration of this MDL and the prosecution of the actions herein, the Court further ORDERS the following with respect to all plaintiffs who have timely filed a claim in the B1 pleading bundle and who have not released their claim(s) to date¹:

A. As to Plaintiffs Who Filed Individual Lawsuits²

- (i) Any plaintiff who previously filed an individual lawsuit must complete the sworn statement in the form reflected in Exhibit A. The completed sworn statement shall be attached to a cover sheet reflecting the caption of the individual lawsuit in the form of Exhibit B. Both the cover sheet and the attached sworn statement must be filed into the record of the plaintiff's individual lawsuit (as opposed to the master docket for MDL 2179) no later than May 2, 2016. Plaintiff also shall serve the sworn statement on the Plaintiffs' Steering Committee ("PSC") and counsel for BP no later than May 2, 2016, as described below in paragraph 7.
- (ii) Plaintiffs who previously filed an individual lawsuit and fail to comply with the above

¹ The Court will issue a separate Order with respect to dismissal of released claims.

² This includes an individual claim filed in Transocean's limitation proceeding, No. 10-cv-2771.

requirements by May 2, 2016, will have their complaints deemed dismissed with prejudice without further notice.

B. Plaintiffs Who DID NOT File Individual Lawsuits, (i.e., Only Filed a SFJ and/or Were Part of a “Mass Joinder” Lawsuit)

- (i) Where Plaintiffs did not file an individual lawsuit, but instead filed a SFJ and/or were part of a complaint with more than one plaintiff,³ each such plaintiff must, by May 2, 2016, file an individual lawsuit (Complaint) (one per plaintiff), using the caption reflected in Exhibit C.⁴ The Complaint should include as an attachment the completed sworn statement in Exhibit A. Each plaintiff also must, by May 2, 2016, serve the PSC and Counsel for BP with a copy of the completed sworn statement, as described below in paragraph 7.
- (ii) Plaintiffs that did not file individual lawsuits, but instead filed a SFJ and/or were

³ This does not include complaints that contain related parties such as a husband and wife or co-owners of a business. Where two or more related parties are joined in a single complaint, those plaintiffs will be considered as having filed an individual complaint.

⁴ A lawsuit is initiated by filing a written “complaint” with the Court. A complaint must contain a short, plain statement of the plaintiff’s claim. Plaintiffs who are not represented by an attorney can mail or hand deliver their complaints to: Clerk of Court, United States District Court, Eastern District of Louisiana, 500 Poydras Street, New Orleans, LA 70130. Any plaintiff who is unable to pay the cost of filing a lawsuit may apply to proceed without prepaying court fees or costs. An online form is available at <http://www.laed.uscourts.gov/pro-se/ifp>.

part of a complaint with more than one plaintiff, who fail to comply with the above requirements by May 2, 2016, will have their claims deemed dismissed with prejudice without further notice.

7. The service of the sworn statement and supporting information pursuant to this Order must be on both Counsel for BP and the PSC on or before May 2, 2016. Service should be made via United States mail at the following addresses:

Counsel for BP
Attn: J. Andrew Langan
Kirkland & Ellis LLP
300 North LaSalle St, Suite 2400
Chicago IL 60654

MDL 2179 Plaintiffs' Steering Committee
Attn: Steve Herman or Jim Roy
The Exchange Centre, Suite 2000
935 Gravier Street
New Orleans, LA 70112

Claimants represented by counsel may additionally or alternatively serve the sworn statements and any supporting information upon the PSC and Counsel for BP via File & ServeXpress ("F&S").

8. Plaintiffs should be aware that compliance with this Order does not automatically make them eligible to receive any compensation for their damages. Rather, Plaintiffs who comply with this Order are subject to further proceedings in this Court. Furthermore, mere compliance with this Order will not result in a Plaintiff submitting to this Court's jurisdiction for anything beyond pretrial purposes.

9. The Provisions of PTO 1 ¶ 8 and PTO 25 ¶ 8 staying individual petitions or complaints that fall within pleading bundle B1, whether pre-existing or filed hereafter, remain in effect until further order of the Court.

10. By May 20, 2016, the PSC and BP shall provide to the Court a list of all Plaintiffs who did not comply with this Order and whose claims are therefore subject to dismissal. For all other Plaintiffs, the Court will discuss procedures for addressing their claims at a hearing to be set by further Order of the Court.

11. Following the issuance of this Order, all counsel of record should receive a copy via F&S pursuant to Pretrial Order No. 12. (Rec. Doc. 600). This Order will also be posted on the Court's website, <http://www.laed.uscourts.gov/case-information/mdl-mass-class-action/foilspill>. Counsel for BP shall mail this Order to all plaintiffs who opted out of the Economic and Property Damages Settlement, signed their opt-out forms and did not indicate in that form that the plaintiff was represented by counsel, as identified in the list to be provided to the Court, the PSC and BP by the Garden City Group, Inc. Finally, to the extent practicable, the PSC shall email a copy of this Order to known counsel of record for Plaintiffs who joined in the Amended B1 Master Complaint, and/or opted out of the Economic and Property Damages Settlement and may therefore be subject to this Order. This procedure is deemed sufficient to satisfy notice requirements for all Claimants with "B1" claims.

Accordingly, the Court hereby DISMISSES the Amended Master B1 Complaint and orders the designated plaintiffs to act in compliance with this

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Order or face dismissal of their claims with prejudice
without further notice.

New Orleans, Louisiana, this 29th day of March,
2016.

/s/ Carl J. Barbier
United States District Court

**ORDER & REASONS [“PTO 60 RECONCILIATION
ORDER,” REGARDING ALL REMAINING CLAIMS
IN PLEADING BUNDLE B1]
(DECEMBER 16, 2016)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL BY THE OIL RIG
“DEEPWATER HORIZON” in the GULF OF
MEXICO, on April 20, 2010,

MDL 2179, Section: J

This Document Relates To: All Cases in
Pleading Bundle “B1”

Before: Carl J. BARBIER, Judge.,
WILKINSON, Magistrate Judge.

I. Procedural History

In order to facilitate the effective administration of this multidistrict litigation and the prosecution of the coordinated actions herein, the Court established eight separate “pleading bundles” for different categories of cases and claims. (PTO 11, Rec. Doc. 569). The “B1” Bundle included claims for non-governmental economic loss and property damages by private individuals and businesses, and it was pled pursuant to a “B1” Bundle Master Complaint. (Rec. Doc. 879, amended Rec. Doc. 1128).

The Court previously employed the B1 Master Complaint as a procedural device for administrative purposes to facilitate the filing of short-form joinders by plaintiffs. Plaintiffs were permitted to join in the B1 Master Complaint by filing short-form joinders pursuant to Pretrial Orders 20, 24, and 25. (Rec. Docs. 904, 982, 983). Individual and business plaintiffs who filed lawsuits that raised non-governmental economic loss and property damages claims were consolidated with these proceedings and were deemed “B1” Plaintiffs, even if they did not also file a short-form joinder. (Rec. Doc. 983 at 2). On August 26, 2011, the Court issued an order dismissing aspects of the Amended B1 Master Complaint. (Rec. Doc. 3830).

On December 21, 2012, the Court certified the Economic and Property Damages Settlement Class and granted final approval of the Economic and Property Damages Settlement Agreement (“Economic Settlement”) that resolved many of the claims in the B1 bundle. (Order and Reasons, Rec. Doc. 8138; Order and Judgment, Rec. Doc. 8139). Some B1 plaintiffs were excluded from the Settlement Class, and others timely submitted requests to opt out from the class settlement. All B1 claims by members of the Settlement Class are subject to the classwide release of their claims, except for claims expressly reserved under the Settlement Agreement.

Considering that the subject oil spill had occurred more than five years earlier, the Clerk was directed by Order dated September 4, 2015 to docket no further short form joinders in docket number 10-8888. (Rec. Doc. 15321).

Seeing no further administrative or procedural benefit to maintaining the Amended B1 Master Com-

plaint, in Pretrial Order No. 60 (“PTO 60”) (Rec. Doc. 16050) the Court dismissed the Amended B1 Master Complaint in its entirety on March 29, 2016, but allowed the remaining B1 plaintiffs who had timely filed a claim in the B1 bundle and who had not released their claims an opportunity to proceed with their B1 claims through compliance with PTO 60, including the timely filing of individual complaints. (*See* PTO 60, at ¶ 6).

To assist the Court in streamlining the remaining claims in the B1 bundle, the Court ordered in PTO 60, as amended on June 3, 2016 (Rec. Doc. 18659), that all plaintiffs who had timely filed a claim in the B1 bundle and who had not released their claims as of the date of PTO 60 were required to file and/or serve certain required submissions by May 2, 2016, later extended to May 16, 2016. (*See* PTO 60, at ¶ 6). Each remaining B1 plaintiff was required by PTO 60 to file and serve a three-page sworn statement (“Sworn Statement”) regarding the status of his/her/its claims. (*Id.*) In addition, any B1 plaintiff who had filed only a short form joinder and/or a “mass joinder” lawsuit (one joined by one or more other plaintiffs) was required to file an individual complaint setting out its B1 claims. (*Id.*)

Thousands of plaintiffs filed and served submissions in response to PTO 60. On June 7, 2016, after the deadline for compliance with PTO 60 had passed, the Court issued an Order to Show Cause Regarding Compliance with PTO 60. (“Show Cause Order,” Rec. Doc. 18724). The Show Cause Order identified several thousand plaintiffs that BP in good faith believed made submissions in response to PTO 60 that complied with the requirements of PTO 60. (Show

Cause Order Exhibits 1A, 1B). In addition, the Show Cause Order identified several categories of plaintiffs in the B1 bundle that BP believed, in good faith, were not compliant with PTO 60 and who the Court ordered to show cause in writing on or before June 28, 2016, why their B1 claims should not be dismissed with prejudice for failure to comply with PTO 60. Those plaintiffs subject to the Show Cause Order included: (i) plaintiffs that made some form of submissions in response to PTO 60, but whose submissions BP in good faith believed were materially deficient with the requirements of PTO 60 (Show Cause Order Ex. 2); (ii) plaintiffs who filed only a “mass joinder” complaint in violation of PTO 60 (Show Cause Order Exs. 2 and 3); (iii) plaintiffs who filed claims in the B1 bundle but failed to file any response to PTO 60; and (iv) any other B1 plaintiff not listed on Exhibit 1A or Exhibit 1B to the Show Cause Order. (Show Cause Order, ¶¶ 1-5).

The Court received approximately 148 responses by the June 28, 2016 deadline. On July 13, 2016, BP filed with the Court an updated list of plaintiffs that BP, based on its review, in good faith believed made PTO 60 submissions that complied with the requirements of PTO 60.¹ (Rec. Docs. 20992-1, 20992-2). As represented by BP, Exhibit 1A (listed alphabetically by plaintiff) and Exhibit 1B (listed by case number) included the original list of compliant plaintiffs provided by BP and attached to the Show Cause Order, with (a) the addition of those plaintiffs as to which BP indicated it did not have any remaining objection

¹ Compliance with PTO 60 is not a statement that the claim has procedural or substantive merit.

to that plaintiff's compliance with PTO 60 based on that plaintiff's timely show cause filing, and (b) the elimination of those plaintiffs who complied with PTO 60 but had since dismissed their claims against BP and/or had since executed releases of their claims and were in the process of dismissing their claims against BP, as there are no further proceedings between BP and plaintiffs who have released and/or dismissed claims against BP. BP's July 13th filing also contained Exhibit 2, an updated list of the remainder of those plaintiffs on BP's good faith non-compliant list, who made timely show cause filings but as to whom BP still had an objection to that plaintiff's compliance with PTO 60. (Rec. Doc. 20992-3).

On July 14, 2016, the Court issued its Order Re: Compliance with PTO 60 ("Compliance Order," Rec. Doc. 20996), attached to which were BP's Exhibits 1A, 1B, and 2 from its July 13 filing. The Compliance Order deemed the plaintiffs listed on Exhibits 1A and 1B as complaint with PTO 60 and subject to further proceedings of the Court. The Compliance Order further stated that to the extent any of the PTO 60-compliant plaintiffs relied upon a previously-filed complaint that, in addition to individual claims, also contained class allegations, "any embedded class allegations in those complaints are deemed stricken and only the individual Plaintiff claims are compliant with PTO 60 and can continue." (*Id.* at 4-5). With respect to the plaintiffs listed on Exhibit 2, the Court required BP to file its objections to those plaintiffs' responses by July 21, 2016. The Compliance Order also permitted any plaintiff listed on Exhibit 2 to file a reply to BP by July 28, 2016. The Compliance

Order stated that “[a]ll remaining Plaintiffs in the B1 bundle, other than those that are either (1) identified in [Exhibits 1A and 1B] or (2) have filed a timely response to the Show Cause Order as indicated in [Exhibit 2], are deemed noncompliant with PTO 60, and their B1 claims are hereby dismissed with prejudice.” (*Id.* at 5) (emphasis omitted).

On July 21, BP filed its objections and responses, as contemplated in the Compliance Order. (Rec. Doc. 21131). As will be discussed below, BP conceded that some plaintiffs who were not on Exhibits 1A or 1B to the Compliance Order should be deemed “compliant” with PTO 60. BP also pointed out that some of those who responded to the Show Cause Order had since voluntarily dismissed their claims against BP, mooting their responses to the Show Cause Order. However, BP maintained its objection to many of those who were on Exhibit 2 to the Compliance Order. The Court received a number of reply briefs and motions from plaintiffs by the July 28, 2016 deadline, plus several other filings after the July 28 deadline. On September 2, 2016, BP filed a notice of non-opposition with respect to some of these plaintiffs and a sur-reply addressing the arguments of others. (Rec. Doc. 21614, 21653).²

II. Discussion

This discussion is organized into three parts. Part (A) concerns those plaintiffs who were listed on Exhibit 2 to the Compliance Order, but subsequently voluntarily dismissed their claims, mooting the issue of whether these plaintiffs complied with PTO 60.

² The Court granted leave to BP to file its sur-reply at Rec. Doc. 21652.

Part (B) discusses plaintiffs that the Court finds to be compliant with PTO 60; their claims are not dismissed. Part (C) covers plaintiffs that the Court finds did not comply with PTO 60; their claims are dismissed.

A. Plaintiffs Who Have Voluntarily Dismissed Their Claims, Mooting the PTO 60-Compliance Issue

The plaintiffs in this Part (A) appeared on Exhibit 2 to the July 14, 2016 Compliance Order (Rec. Doc. 20996-1 at 82-89), *i.e.*, the list of plaintiffs who filed a timely response to the Show Cause Order but whose submissions BP believed were materially deficient. However, these plaintiffs subsequently voluntarily dismissed their claims against BP. Accordingly, the issue of whether or not these plaintiffs complied with PTO 60 is moot. Their names will be removed from the list of PTO 60 non-compliant plaintiffs.

Plaintiff			
Civil Action	Response to Show Cause	Reply to BP's Objection	Dismissal Rec. Doc.
Bayou Carlin Fisheries, Inc. ³			
12-2665	--	--	20984
Pearl River Fisheries of Louisiana, LLC			
12-2665	--	--	20984

³ Bayou Carlin Fisheries, Inc. should not to be confused with Bayou Caddy Fisheries, Inc., which is another plaintiff in Civil Action No. 12-2665. As discussed below, Bayou Caddy Fisheries, Inc. has not dismissed its claims against BP and, furthermore, is deemed compliant with PTO 60. *See* Part (II)(B)(1), *infra*.

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In Depth Marine, LLC;			
13-1761	18890	--	20563
In Depth Offshore Technologies International, Inc.			
13-1761	18890	--	20563
Brian Harrington			
10-3253 13-2282	19219	--	20981
Susan H. Hudson			
10-3253 13-2282	19219	--	20981
Isaac Anderson			
13-1082 13-976	19982	21167	21166
Hector Ardoin			
13-1082 13-976	19982	21167	21165
Catering to You Bon Carre			
16-6036	20484	--	20282
Carol Aueson dba Bay Coast Charters			
16-4720	20529	--	19382
Carlos Cantu, Jr.			
16-6087 10-4214	20534	--	20677
Nhut Van Le			
13-2038 16-7414	20551 21018	--	21078 21139

Charlie Van Vo			
13-2038 16-7411	20553 21017	--	21078 21139
Quy Le			
13-2038 16-7416	20554 21019	--	21078 21139
Tan Thoi Nguyen			
13-2038 16-7406	20555	--	21139
Toarmina's Pizza South, LLC			
13-6008 16-7048	20641	--	20829
All Aboard Megabite, LLC			
12-1483 16-3636	20519	--	20254
Robert V. Taylor			
13-5370 16-3636	20519	--	20254
Thomas A. Juhas ⁴			
Short Form Joinder	20899	--	19323

⁴ Unlike the other plaintiffs in this table, Thomas A. Juhas was not listed on Exhibit 2 to the Compliance Order. However, BP mentioned Juhas in its objections. (Rec. Doc. 21131-3, App. 3). For that reason, the Court makes it clear that Juhas has voluntarily dismissed his claim against BP and, consequently, the Court does not address whether Juhas has complied with PTO 60.

No.53672			
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B. Plaintiffs Who Are Deemed Compliant with PTO 60

In addition to the plaintiffs listed on Exhibit 1A and Exhibit 1B to the Compliance Order, the plaintiffs discussed in this Part (B) are deemed compliant with PTO 60 and their claims are not dismissed.

**1. Bayou Caddy Fisheries, Inc. (No. 12-2665)
(Response to Show Cause Order, Rec. Doc. 18802; Reply to BP, Rec. Doc. 21335)**

Bayou Caddy Fisheries, Inc. (“Bayou Caddy”) was listed on Exhibit 2 to the Compliance Order. (Rec. Doc. 20996). BP objects to Bayou Caddy being deemed compliant with PTO 60 because Bayou Caddy did not have an individual complaint on file until nearly two months after the May 16, 2016 deadline to comply with PTO 60. (BP Obj. at 6, App. 8, Rec. Doc. 21131). Bayou Caddy responds that it has been a plaintiff in a complaint, No. 12-2665, since November 1, 2012. Although there were initially two other plaintiffs in that complaint—Bayou Carlin Fisheries, Inc. (“Bayou Carlin”) and Pearl River Fisheries of Louisiana, LLC (“Pearl River”)—those entities opted back into the Economic Settlement shortly after the complaint was filed, leaving Bayou Caddy as the sole plaintiff. Bayou Caddy did not formally move to amend its complaint to delete Bayou Carlin and Pearl River until July 8, 2016 (Rec. Doc. 20938), which was granted on July

12, 2016 (Rec. Doc. 20984).⁵ However, Bayou Caddy argues that BP received notice that Bayou Carlin and Pearl River had opted back in to the Economic Settlement and, therefore, BP was aware that Bayou Caddy was the only plaintiff in No. 12-2665.

Having considered the parties' arguments and the record, the Court deems Bayou Caddy as compliant with PTO 60. Bayou Caddy's claims in Civil Action No. 12-2665 are not dismissed.

2. Leoutha Batiste (No. 16-4154) (Response to Show Cause Order, Rec. Doc. 20768)

Leoutha Batiste was listed on Exhibit 2 to the Compliance Order. (Rec. Doc. 20996). BP concedes that Leoutha Batiste should be added to the PTO 60 compliant list. (BP Obj. at 2, App. 2, Rec. Doc. 21131). In light of this and after reviewing Batiste's filings, the Court deems Leoutha Batiste as compliant with PTO 60. Leoutha Batiste will be added to the list of PTO 60-compliant Plaintiffs. Leoutha Batiste's claims in No. 16-4154 are not dismissed.

3. Weller Green Clients, Mexican Fishermen Cooperatives

The plaintiffs listed below (hereinafter, "Mexican Fishermen Cooperatives") were identified in the Show Cause Order as having filed multi-plaintiff complaints in violation of PTO 60. The Mexican Fisherman Cooperatives filed similar responses, arguing:

⁵ The Court denied Bayou Caddy's motion insofar as it sought to add claims against Halliburton Energy Services, Inc. as a defendant.

[T]he Plaintiff is the authorized individual to make a claim on behalf of one or more cooperatives and is bringing this lawsuit on behalf of the cooperative(s) for which he is the leader named in the complaint. Plaintiff has merely stated within its complaint, the names of the members of the cooperative(s) for which the authorized individual has authority to act. . . .

(*See, e.g.*, Response to Show Cause Order at 2, Rec. Doc. 19985). The Compliance Order listed these plaintiffs among those that BP viewed as still being non-compliant with PTO 60. The Mexican Fisherman Cooperatives responded that, while they believed BP was misreading their complaints, they “have now amended all complaints . . . and limited them to only the one cooperative of fishermen in each lawsuit and they have deleted any reference to a list of other individuals.” (Reply to BP’s Obj. at 2, Rec. Doc. 21269). BP responded:

In view of the amendments to their complaints (which appear to contain no class allegations) and the representations in their reply brief, BP does not object to these 41 fisherman cooperatives being deemed compl[ia]nt with PTO 60. BP would, however, object to any other purported plaintiffs currently or previously in those 41 actions being deemed compliant with PTO 60.

(BP Sur-Reply at 2, Rec. Doc. 21653).

In light of the above, the Mexican Fishermen Cooperatives listed below are deemed compliant with PTO 60, and their claims are not dismissed.

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Plaintiff		
Civil Action No.	Response to Show Cause Order	Reply to BP Obj.
Pescadores Libres de Cabo Rojito Abad		
16-4571	19985	21269
Grupo Libre la Chavelita Jose Luis Perez Cruz		
16-4717	19990	21269
Restaurante Veracruzano Tamiahua		
16-4775	19993	21269
La Sociedad Cooperativa de Produccion Pesquera Denominada La Rivera de Tampico de Alto SC de RL		
16-4586	20001	21269
La Sociedad Cooperativa de Produccion Pesquera Riverena Ostioneros de Saladero SCL		
16-4345	20003	21269
Pescadores Y Cooperativas de Ciudad del Carmen Campeche		
16-5310	20005	21269
La Sociedad Cooperativa de Produccion Pesquera Riverena La Aurora Barra de Cazones SCL de CV		
16-4556	20007	21269
Pescadores Libres de Tonalá Agua Dulce Veracruz		
16-4783	20016	21269
La Sociedad Cooperativa de Produccion Pesquera Pescadores Unidos de La Reforma SC de RL de CV		

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16-4499	20017	21269
Grupo la Esperanza Flor Idulia		
16-4521	20020	21269
Pescadores Libres de Chiquila Quintana Roo		
16-4563	20022	21269
La Sociedad Cooperativa de Produccion Pesquera Pescadores de Tamiahua SC de RL de CV		
16-4724	20024	21269
La Sociedad Cooperativa de Servicio Lancheros de San Jeronoimo SC de RL de CV		
16-4594	20030	21269
La Sociedad Cooperativa de Productores Acuicolas de Congregacion Anahuac SC de RL		
16-4512	20031	21269
Libres de Cucharitas 2 Guillermina Castro		
16-4550	20034	21269
Grupo La Trucha Guillermina Hernandez		
16-4567	20035	21269
Trabajadores de Tampico		
16-4762	20037	21269
Permisionario Horacio Morales de la Isla de San Juan		
16-4802	20039	21269
Permisionario Joaquin Delgado Ortiz		
16-4584	20088	21269

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La Sociedad Cooperativa Denominada Camaroneros Unidos de Altamar SC de RL de CV		
16-4684	20090	21269
Union de Fileteros de Cucharas Jose Luis Palacios Medina		
16-4806	20094	21269
La Sociedad Cooperativa de Produccion Pesquera Riverena Pescadores de Cabo Rojo SC de RL de CV		
16-4712	20096	21269
La Sociedad Cooperativa de Produccion Pesquera del Puerto de Tuxpan de Bienes Y Servicios SCL de CV		
16-4730	20100	21269
Compra Venta de la Sociedad Cooperativa Tamiahua		
16-4706	20104	21269
Pescadores Libres de Morales de Cabo Rojo		
16-4697	20105	21269
Pescadores Libres de la Mata Norberto Hernandez		
16-4769	20106	21269
Compra Venta del Mercado de Tuxpan		
16-4866	20110	21269
Permisionario Rosalino Cruz y Pescadores de Camaron		
16-4599	20115	21269
La Sociedad Cooperativa de Produccion Pesquera		

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Riverena Ostioneros Del Sur SC de RL		
16-4777	20117	21269
La Sociedad Cooperativa de Productores y Pescadores de Saladero Veracruz SC de RL		
16-4788	20119	21269
Despicatoras de Jaiva los Higueros Artemio Aran		
16-5710	20120	21269
Fileteras de Mamey de Antonio Aran		
16-4786	20121	21269
Grupo Cucharas Juan Ortega Romero Artemio Aran		
16-4692	20122	21269
La Sociedad Cooperativa de Produccion Pesquera Grupo Unidos de las Chacas SC de RL de CV		
16-4349	20178	21269
Pescadores Libres y Fileteras Claudio Cruz Flores		
16-4543	20181	21269
La Sociedad Cooperativa de Produccion Pesquera La Huasteca Veracruzana SC de RL de CV		
16-4574	20183	21269
Pescadores Libres de Isla Aguada Campeche		
16-4476	20185	21269
Libres de Congregacion la Reforma Artemio Aran		
16-5315	20012, 20128	21269

Despicadoras de la Isla de San Juan A Ramirez		
16-4797	20028, 20126	21269
Permisionaria Maria Esther Castillo		
16-4873	20098, 20125	21269
Grupo La Jaiva Pescadores Alto del Tigre Artemio Aran		
16-4700	20108, 20124	21269

4. Louisiana Workers' Compensation Corporation (No. 10-2771, Rec. Doc. 375) (Response to Show Cause Order, Rec. Doc. 20486) (Reply to BP's Obj., Rec. Doc. 21311)

Louisiana Workers' Compensation Corporation ("LWCC") was listed on Exhibit 2 to the Compliance Order. (Rec. Doc. 20996). In its Notice of Non-Opposition, BP states that it does not object to LWCC being deemed compliant with PTO 60. (Rec. Doc. 21614). In light of this and after reviewing LWCC's filings, the Court deems LWCC as compliant with PTO 60. LWCC's claim in Transocean's Limitation Action (Rec. Doc. 10-2771, Rec. Doc. 375) is not dismissed.

5. Plaintiffs Omitted from the Compliance Order to Which BP Does Not Object

The following plaintiffs were not identified on either the compliant or non-compliant lists attached to the Compliance Order. BP states that it does not object to these plaintiffs being deemed compliant with PTO 60. (Rec. Docs. 21614 & 21131 at 2 (re: Roderic

Wright)). In light of this and after reviewing the record, the following plaintiffs are deemed compliant with PTO 60 and their claims are not dismissed:

Plaintiff	Civil Action No.	Response, Etc. to Show Cause Order and/or Compliance Order
Jelp Barber	16-5533	20584, 21152
Nabaa Gas Montgomery, LLC	16-7488	20587, 21152
Johnny's Clams, Inc. or Johnny Sheridan's	16-5541	20566, 21154
Richard Lee Blick	16-4061	20566, 21154
Richard E. Seward, Sr.	16-4068	18804, 21377
Richard E. Seward, Jr.	16-4072	21424
Roderic Wright ⁶	13-1091	21425

6. Plaintiffs Previously Deemed Compliant with PTO 60

In an order dated July 26, 2016, the Court ruled that certain plaintiffs were compliant with PTO 60 and their claims were not dismissed. (Rec. Doc. 21275). For completeness and to avoid any doubt, the Court

⁶ Roderic Wright's name did not appear on the list of PTO 60-compliant plaintiffs that issued with the Court's Compliance Order, but his case number, No. 13-1091, did appear on that list with two other plaintiffs, Destin Pointe Development, LLC and Destin Development, LLC.

repeats that these plaintiffs are deemed compliant with PTO 60 and their claims are not dismissed:

Plaintiff	Civil Action No.	Response, Etc. to Show Cause Order
Jawof Serenity at Dune Allen, LLC	13-2398	19115, 21090
Gregory Stewart	16-4545	21026
Spectrum Organization, Inc. d/b/a The Victorian Rental Pool	13-0331	21007
Alton Rockford Meadows, individually and d/b/a Southern Appraisal Services	13-1746	20671
Capital Bank	13-6648	21021

7. Shelli J. Ladner (No. 16-3928) (Motion for Leave to File Amended Complaint, Rec. Doc. 21670)

Shelli J. Ladner was listed as “compliant” in both the Show Cause Order and the Compliance Order. However, she filed a motion to amend her complaint (Rec. Doc. 21670) in which she pointed out that her case number is incorrectly identified as 16-3929, when it should be 16-3928. The list of PTO 60-compliant plaintiffs will be updated to state Shelli J. Ladner’s correct case number, 16-3928. The Court also will grant the motion for leave to file the amended complaint.

8. Zat’s Restaurants, Inc. (No. 13-1711) (Motion for Relief from Order Regarding Compliance with PTO 60, Rec. Doc. 21476)

Zat’s Restaurants, Inc. (“Zat’s”) was not listed on either the compliant or non-compliant lists attached to the Compliance Order. Zat’s opted out of the Economic Settlement and, on April 19, 2013, filed an individual complaint. Therefore, all PTO 60 required of Zat’s was that it file a Sworn Statement by May 16, 2016. Zat’s did not attempt to do this until August 11—over 12 weeks after the deadline—when it filed a Motion for Relief from Order Regarding Compliance with PTO 60. (Rec. Doc. 21476)

Zat’s argues that its case should not be dismissed because it never received notice of PTO 60. Notice of PTO 60 was provided by four methods: (1) all counsel of record who signed up for electronic service with File & Serve (as required under PTO 12, Rec. Docs. 600, 18672) would receive a copy of PTO 60 via that method, (2) BP would mail the order to all plaintiffs who opted out of the Economic Settlement and indicated on the opt-out form that they were unrepresented, (3) “to the extent practicable, the [Plaintiffs’ Steering Committee (“PSC”)] shall email a copy of [PTO 60] to known counsel of record for Plaintiffs who joined in the Amended B1 Master Complaint and/or opted out of the [Economic Settlement],” and (4) PTO 60 was posted to the Court’s website. (PTO 60 ¶ 11, Rec. Doc. 16050). Zat’s was represented by the Irpinio Law Firm when it opted out of the Economic Settlement in 2012. However, the Irpinio Law Firm withdrew as counsel in 2014, and Zat’s did not retain new counsel until August 2016. Therefore, Zat’s argues that none of PTO 60’s notice provisions would have been

effective for it—a plaintiff who was represented by counsel when it opted out of the Economic Settlement (meaning BP would not mail notice to them), but were unrepresented at the time PTO 60 issued (meaning notice via File & Serve and from the PSC would be ineffective).

As will be discussed below, there are several plaintiffs who argue that their failure to timely comply with PTO 60 should be forgiven because they did not receive notice of PTO 60. However, Zat’s situation is unique in that it fell into something of a “notice gap.” Consequently, the Court will grant Zat’s Motion for Relief from Order Regarding Compliance with PTO 60. (Rec. Doc. 21476). Zat’s is deemed compliant with PTO 60 and its claims in No. 13-1711 are not dismissed.

C. Plaintiffs Who Have Not Complied with PTO 60

The plaintiffs in this Part (C) have not complied with PTO 60 and their claims will be dismissed. The plaintiffs in subsections 1 through 18 were listed in Exhibit 2 to the Compliance Order. The plaintiffs listed in subsections 19 through 25 are not listed on any exhibit to the Compliance Order, but these plaintiffs did file a response at some point to either the Show Cause Order or the Compliance Order.

1. Mark and Emmett Marine, Inc. (Response to Show Cause Order, Rec. Doc. 18968)

Mark and Emmett Marine, Inc. never filed an individual complaint, as required by PTO 60 ¶ 6. Mark and Emmett Marine, Inc. has not complied with PTO 60. It will remain on the non-compliant list and any B1 claims it could have asserted will be dismissed.

2. Riverview Investments, Inc. (Short Form Joinder No. 67621, 68666) (Response to Show Cause Order, Rec. Doc. 18968)

Riverview Investments, Inc. never filed an individual complaint, as required by PTO 60 ¶ 6. Therefore, Riverview Investments, Inc. has not complied with PTO 60, and any B1 claims it has or could have asserted will be dismissed.

3. T. Duffy Builders, LLC a/k/a T.A. Duffy Builders, LLC, f/k/a Benchmark Development, LLC (No. 13-1437) (Response to Show Cause Order, Rec. Dos. 18969, 18961)

Although T. Duffy Builders, LLC a/k/a T.A. Duffy Builders, LLC, f/k/a Benchmark Development, LLC (“T. Duffy Builders”) has had an individual lawsuit on file since April 19, 2013, it did not file the Sworn Statement until June 20, 2016, five weeks after PTO 60’s May 16 deadline. Therefore, T. Duffy Builders has not complied with PTO 60, and its claims will be dismissed.

4. Wanda Haney (Response to Show Cause Order, Rec. Doc. 19426)

Wanda Haney never filed an individual complaint, as required by PTO 60 ¶ 6. Wanda Haney has not complied with PTO 60, and any B1 claims she has or could have asserted will be dismissed.

5. Sanderson Enterprises, Inc. (Short Form Joinder 53288) (Show Cause Order Response Rec. Doc. 20227)

Sanderson Enterprises, Inc. never filed an individual complaint, as required by PTO 60 ¶ 6 Therefore,

Sanderson Enterprises, Inc. has not complied with PTO 60, and any B1 claims it has or could have asserted will be dismissed.

6. Breathwit Marine Contractors, Ltd. and Breathwit Marine Shipyards, Ltd. (Nos. 13-2786, 16-11539, 16-11546) (Show Cause Order Response, Rec. Doc. 20232) (Reply to BP Obj., Rec. Doc. 21337)

Breathwit Marine Contractors, Ltd. and Breathwit Marine Shipyards, Ltd. (collectively, “Breathwit Entities”) describe themselves as “sister companies with common ownership and common customers.” (Reply to BP Obj. at 3, Rec. Doc. 21337). These entities were joined in the same lawsuit (No. 13-129) until June 23, 2016—more than 5 weeks past PTO 60’s deadline—when they each filed individual complaints (Nos. 16-11539, 16-11539). The Breathwit Entities argue that they were not required under PTO 60 to file separate lawsuits, but they did anyway “out of an extreme abundance of caution.” (Show Cause Response at 5, Rec. Doc. 20232).

PTO 60 required that where B1 plaintiffs “did not file an individual lawsuit, but instead filed a [Short Form Joinder] and/or were part of a complaint with more than one plaintiff, each such plaintiff must . . . file an individual lawsuit (Complaint) (one per plaintiff).” (PTO 60 ¶ 6(B)(i) (internal footnote omitted)). The Court explained that plaintiffs were not required to file a new individual lawsuit where their prior complaint contained as plaintiffs only “related parties such as a husband and wife or co-owners of a business” and that where “two or more related parties are joined in a single complaint, those

plaintiffs will be considered as having filed an individual complaint.” (*Id.* n.3). The Court previously denied a request by plaintiffs seeking to proceed on a multiple-plaintiff complaint notwithstanding PTO 60. In April 2016, four plaintiffs to a single action argued that they were “related parties” and moved for leave to remain as joint plaintiffs in one civil action. (Rec. Doc. 15529). Those plaintiffs alleged that they were under common ownership and control by the same individual and that their claims were all “nearly identical in that they involve the same residential subdivision, Hammock Bay, a bulk sale of identical lots to the same buyer, D.R. Horton Homebuilders, and lot sales that occurred after the BP Oil Spill at the same time with a common price per lot applicable to all sales.” (*Id.* at 2). The Court denied this motion on May 4, 2016. (Rec. Doc. 16755).

The Breathwit Entities were not “related parties” as set forth in PTO 60, and, therefore, they were required to each file individual complaints by May 16, 2016. The Breathwit Entities did not file their individual lawsuits until five weeks after PTO 60’s deadline. The Court finds the Breathwit Entities have not complied with PTO 60. Consequently, their claims will be dismissed.

Furthermore, and for identical reasons, the Court denies the Breathwit Entities’ Motion for Leave to Allow Permissive Joinder (Rec. Doc. 17622) and denies as moot the Breathwit Entities’ Motion for Consideration of Previously Filed Motion Regarding Compliance (Rec. Doc. 18681).

7. Chapel Hill, LLC, Coastal Mining & Marine, LLC, Pearlington Clay, LLC, and Pearlington Clay Port, LLC (Nos. 13-2033, 16-11519, 16-11641, 16-11707, 16-11711) (Show Cause Response, Rec. Doc. 20295) (Reply to BP's Obj., Rec. Doc. 21338)

Chapel Hill, LLC, Coastal Mining & Marine, LLC, Pearlington Clay, LLC, and Pearlington Clay Port, LLC (collectively, the “Chapel and Coastal Entities”) raise issues similar to the Breathwit Entities, just discussed. According to their briefs, Chapel Hill, LLC is owned by an individual named Johnny Dollar and another company that is also owned by Mr. Dollar. Mr. Dollar also owns a 25% interest in Coastal Mining & Marine, LLC (it is not clear who owns the other 75% of Coastal Mining & Marine, LLC). Coastal Mining & Marine, LLC solely owns Pearlington Clay, LLC and Pearlington Clay Port, LLC. Prior to June 23, 2016, the Chapel and Coastal Entities were joined in a single complaint. (No. 13-2033). The Chapel and Coastal Entities argue that PTO 60 did not require them to each file individual complaints, because they “have common ownership” and their claims arise from a “common nucleus of operative facts.” (Show Cause Response at 3, Rec. Doc. 20295). Nevertheless, “out of an extreme abundance of caution,” each of the Chapel and Coastal Entities filed an individual lawsuit (Nos. 16-11519, 16-11641, 16-11707, 16-11711) on June 23 or June 24, 2016—over five weeks after PTO 60’s May 16th deadline. (Show Cause Response at 7, Rec. Doc. 20295).

For the same reasons set forth above regarding the Breathwit Entities, the Chapel and Coastal Entities have not complied with PTO 60, and their

claims will be dismissed. Likewise, the Court denies the Chapel and Coastal Entities' Motion and Amended Motion for Leave to Allow Permissive Joinder of Parties (Rec. Doc. 17589, 17616) and denies as moot their Motion for Consideration of Previously Filed Motion (Rec. Doc. 18675).

8. Commercial Metals Company, AHT, Inc., CMC Steel Fabricators, Inc., and SMI Steel, LLC. (Nos. 16-6259, 16-13364, 16-13365, 16-13367, 16-13366) (Response to Show Cause Order, Rec. Doc. 20528) (Reply to BP's Obj., Rec. Doc. 21309)

Commercial Metals Company, AHT, Inc., CMC Steel Fabricators, Inc., and SMI Steel, LLC (collectively, "Commercial Metals Company Plaintiffs") raise issues similar to the Breathwit Entities, discussed above. The Commercial Metals Company Plaintiffs claim that AHT, Inc., CMC Steel Fabricators, Inc., and SMI Steel, LLC are all wholly owned subsidiaries of Commercial Metals Company. As such, the Commercial Metals Company Plaintiffs claim that they were "related parties" under PTO 60 and could file a single lawsuit, which they did on May 16, 2016. (No. 16-6259). On July 28, 2016, over ten weeks after PTO 60's deadline, each of the Commercial Metals Company Plaintiffs filed their own lawsuits. (Nos. 16-13364, 16-13365, 16-13367, 16-13366).

For reasons similar to those set forth above regarding the Breathwit Entities, the Commercial Metals Company Plaintiffs have not complied with PTO 60, and their claims will be dismissed.

9. Truckla Services, Inc. (No. 16-11698) (Response to Show Cause Order, Rec. Doc. 20235) (Reply to BP Obj., Rec. Doc. 21310)

Because it had previously filed only a Short Form Joinder, PTO 60 required Truckla Services, Inc. (“Truckla”) to file both a Sworn Statement and an individual complaint by May 16, 2016. Truckla did not do so until June 24, over five weeks past the deadline. Truckla argues that its claims should not be dismissed because its failure to timely comply with PTO 60 “was not intentional and perhaps the result of a notice irregularity” and that permitting its claim will not unduly prejudice other parties or the Court. (Show Cause Response at 2, Rec. Doc. 20235). Truckla explains, “Although undersigned counsel was previously receiving copies of the filings and orders in this case, for reasons that are unclear, counsel was removed from the service list. As a result, Truckla’s counsel was not aware of PTO 60 and the deadlines contained therein.” (*Id.* at 2).

PTO 60’s notice provisions are discussed above with Zat’s. *See* Part (II)(B)(8), *supra*. The Court finds that Truckla has not shown good cause why its tardiness should be excused. Counsel’s claim that it stopped receiving service, at some unspecified time, allegedly because it was removed from the service list “for reasons that are unclear,” is too vague to warrant an extension of the PTO 60 deadline. Because Truckla has not timely complied with PTO 60, its claims will be dismissed.

**10. S.C.P.P. 20 De Abril Del Poblado Ignaci
Zaragoza, SC de R.L. de C.V. (Nos. 13-2791,
16-6330, 16-7285) (Response to Show Cause
Order, Rec. Doc. 20526) (Reply to BP's Obj.,
Rec. Doc. 21331)**

S.C.P.P. 20 De Abril Del Poblado Ignacio Zaragoza, SC de R.L. de C.V. (“20 De Abril”) is represented by the Buzbee Law Firm. In 2013, the Buzbee Law Firm filed a mass joinder lawsuit, No. 13-2791, which included 20 De Abril. On May 16, 2016, the Buzbee Law Firm filed a new mass lawsuit, No. 16-6330, that included all its clients for which it did not have a signed Sworn Statement. 20 De Abril was a plaintiff in this mass lawsuit. On May 27, 2016—two weeks after the (extended) deadline—the Buzbee Law Firm filed an individual lawsuit for 20 De Abril, No. 16-7285, along with a signed Sworn Statement.

20 De Abril has not timely complied with PTO 60. Its claims will be dismissed.

The Buzbee Law Firm also requests that all of the plaintiffs in mass joinder lawsuit No. 16-6330 be given additional time to submit a signed Sworn Statement and file an individual lawsuit. The Court denies this request. All of the claims asserted in 16-6330 will be dismissed.

11. Joaquin Barrera and/or S.C.P.P. Ah Caray, S.C. de R.L. and/or Restaurant Familiar Ah Caray (No. 13-2791; 16-6298) (Response to Show Cause Order, Rec. Doc. 20526) (Reply to BP’s Obj., Rec. Doc. 21331) (Supplemental Reply, Rec. Doc. 21430)

PTO 60 is clear that each B1 plaintiff must personally sign the Sworn Statement. Page 3 of the Sworn Statement, directly underneath the space marked “Signature of Plaintiff,” states, “Plaintiff’s Attorney Cannot Sign on Plaintiff’s Behalf.” (Rec. Doc. 16050-1 at 3 (emphasis in original)). Joaquin Barrera submitted an unsigned Sworn Statement on May 16, 2016. On August 5, 2016, nearly twelve weeks after PTO 60’s deadline, Joaquin Barrera filed a signed Sworn Statement. (Rec. Doc. 21430). Joaquin Barrera/S.C.P.P. Ah Caray, S.C. de R.L. has not timely complied with PTO 60, and his/its claims will be dismissed.

12. Plaintiffs Who Submitted Unsigned Sworn Statements

The following plaintiffs submitted unsigned Sworn Statements. These plaintiffs have not complied with PTO 60; their claims will be dismissed.

Plaintiff	Civil Action No.	Response to Show Cause Order
Armando Flores	10-4220 16-6015	20534
Mendoza German	10-4220, 10-4235 16-6132	20534

Adam Guillot	10-4225 16-6066	20534
David Wayne Hamblin	10-4220 16-6154	20534
Linda Steward d/b/a Sunshine Tax Services, Inc.	13-5142 16-6182	20534
Celestino Lopez	10-4220 16-6138	20534
Raul Blanco Moreno	10-4220 16-6110	20534
Nicolas Olguin	10-4220 16-5684	20534
Overtime Sports Grill, LLC	16-6029	20534
Roger J. Godfrey	16-6104	20534
Charles Stevenson	11-363, 16-6190	20534
The Shrimp Man	11-363 16-6190	20534
Edgar A. Zapata	10-4220 16-6082	20534

**13. First National Bank, USA, et al. (No. 13-97)
(Response to Show Cause Order, Rec. Doc.
20561) (Reply to BP's Obj., Rec. Doc. 21336)**

First National Bank, USA (“First National”) and sixteen other named plaintiffs filed a putative class action in 2013. (No. 13-97). First National took no action to comply with PTO 60. It did not serve a Sworn Statement, nor did it file an individual lawsuit. First National filed a response to the Show Cause

Order on behalf of itself and the putative class in 13-97 wherein it argues that it was not required to comply with PTO 60, because PTO 60 does not apply to class action lawsuits. The Court rejects this argument.

PTO 60 was clear: “Where Plaintiffs did not file an individual lawsuit, but instead . . . were part of a complaint with more than one plaintiff, each such plaintiff must, by May [16], 2016, file an individual lawsuit (Complaint) (one per plaintiff). . . .” (PTO 60 ¶ 6(b)(i) (emphasis added and omitted; footnote omitted)). Civil action no. 13-97 had more than one plaintiff; therefore, PTO 60 applied to the plaintiffs in No. 13-97. Consistent with this interpretation, the Compliance Order struck any class allegations that were embedded in a previously-filed complaint. (Rec. Doc. 20996 at 4). First National has not complied with PTO 60. All claims in No. 13-97, including claims by First National, the other named plaintiffs, and the unnamed putative class members, will be dismissed.

14. Weller Green Class Action Clients (Nos. 16-4122, 16-4123, 16-4124, 16, 4151, 16-4179, 16-4230) (Response to Show Cause Order, Rec. Doc. 19979) (Reply to BP’s Obj., Rec. Doc. 21330)

Eduardo Pineiro Perez, Individually and d/b/a La Sociedad Cooperativa De Produccion Pesquera La Rivera De Tampico De Alto S.C. De R.L (Nos. 16-4122, 16-4230); Claudio Gonzalez del Angel, Individually and d/b/a Pennisionario Claudio Gonzalez del Angel (No. 16-4123, 16-4230); Felipe Barrios Anzures, Individually and d/b/a Compro Venta de Felipe Barrios

(No. 16-4124, 16-4230); Artemio Aran Blanco, Individually and d/b/a Grupo Pescadores Libres Artemio Aran (No. 16-4151, 16-4230); and Sammy Davis Briggs (No. 16-4179) (collectively, “Weller Green Class Action Clients”) each filed a complaint on behalf of himself or herself and “all Class Members as defined herein.” The Weller Green Class Action Clients argue that they have complied with PTO 60 because each complaint is “brought by one class representative on behalf of a class.” (Reply to BP Obj. at 2, Rec. Doc. 21330). As just discussed, these plaintiffs have not complied with PTO 60 because their complaints contain more than one plaintiff. BP states in its sur-reply, “Should these plaintiffs promptly amend their complaints to omit any class allegations and to include only one plaintiff (one person or entity) each, BP would not object to those six plaintiffs being deemed compl[ia]nt with PTO 60 (although BP would continue to object to any other purported plaintiffs currently or previously in those six actions being deemed compliant with PTO 60).” (BP Sur-Reply at 3, Rec. Doc. 21653). It appears the Weller Green Class Action Clients have not amended their complaints. These plaintiffs’ claims will be dismissed.

15. Daniel K. Chang, Julia (or Julie) Chang, Avery Investments, LLC, Hilltop Investments, LLC, Magnolia Professional Center, LLC, Old Spanish Farm, LLC, and Julvana, LLC (No. 16-6329) (Response to Show Cause Order, Rec. Doc. 20641)

Daniel K. Chang, Julia (or Julie) Chang,⁷ Avery Investments, LLC, Hilltop Investments, LLC, Magnolia Professional Center, LLC, Old Spanish Farm, LLC, and Julvana, LLC filed a single complaint against BP and other defendants. (No. 16-6329). The complaint alleges “Daniel K. Chang [and] Jul[ia] Chang are husband and wife, as well as the . . . owners in whole or in part of all other Plaintiffs and therefore the filing of multiple Plaintiffs on the same filing is in compliance with Footnote P.T.O 60.” (Complaint ¶ 11, No. 16-6329, Rec. Doc. 1). The response to the Show Cause Order similarly notes that “husband & wife own all these businesses.” (Response to Show Cause, Ex. C, Rec. Doc. 20641-3). While PTO 60 permitted the Changes to be joined in a single complaint, perhaps also with one business they both owned, PTO 60’s exception for “related parties” does not permit multiple, affiliated companies to be joined in a single complaint. *See* Discussion of Breathwit Entities, *supra*. Consequently, this complaint (No. 16-6329) violates PTO 60, and the claims of Daniel K. Chang, Julia (or Julie) Chang, Avery Investments, LLC, Hilltop Investments, LLC, Magnolia Professional Center, LLC, Old Spanish Farm, LLC, and Julvana, LLC will be dismissed.

⁷ Plaintiffs’ submissions alternately refer to “Julia” and “Julie” Chang.

16. Coast Products, LLC and Laurcon Capital LP (Nos. 13-5367, 16-6216) (Response to Show Cause, Rec. Doc. 20641)

Coast Products, LLC and Laurcon Capital LP filed a single complaint. (No. 16-6216). Their response to the Show Cause Order states that “both companies [are] owned by client.” (Response to Show Cause, Ex. C, Rec. Doc. 20641-3). For the reasons set forth above regarding the Breathwit Entities, Coast Products, LLC and Laurcon Capital LP have not complied with PTO 60 and their claims will be dismissed.

17. Gauci’s Custom Building and Developing LLC, Winter Garden Italian American Bistro LLC, Joseph V. Gauci, and Karen Gauci (Nos., 13-6009, 13-6010, 16-7048) (Response to Show Cause Order, Rec. Doc. 20641)

Gauci’s Custom Building and Developing LLC, Winter Garden Italian American Bistro LLC, Joseph V. Gauci, and Karen Gauci (collectively, “Gauci Plaintiffs”) are joined in a single complaint. (Nos., 13-6009, 13-6010, 16-7048). The complaint states that Joseph Gauci and Karen Gauci are husband and wife, and they each own an interest in Gauci’s Custom Building and Developing, LLC and Winter Garden Italian American Bistro LLC. (Complaint ¶ 5, No. 16-7048, Rec. Doc. 8). For the reasons set forth above regarding Daniel Chang, et al. and the Breathwit Entities, the Gauci Plaintiffs have not complied with PTO 60 and their claims will be dismissed.

18. St. Joe Beach Property, LLC, Bungalows at Sanctuary Beach, LLC, and Henry L. Perry (Nos. 13-5367, 16-6333) (Response to Show Cause Order, Rec. Doc. 20641)

St. Joe Beach Property, LLC, Bungalows at Sanctuary Beach, LLC, and Henry L. Perry are joined in a single complaint. (No. 16-6333). The complaint states that Henry L. Perry owns St. Joe Beach Property, LLC and Bungalows at Sanctuary Beach, LLC. (Am. Complaint ¶ 8, No. 16-6333, Rec. Doc. 6). It appears the business entities concern two different developments at two different locations. For the reasons set forth above regarding Daniel Chang, et. al and the Breathwit Entities, St. Joe Beach Property, LLC, Bungalows at Sanctuary Beach, LLC, and Henry L. Perry have not complied with PTO 60 and their claims will be dismissed.

19. Tam Tran (No. 16-11977) (Sworn Statement, Rec. Doc. 21510)

Tam Tran was not listed on any Exhibit to the Compliance Order. Tam Tran filed an individual complaint on June 28, 2106, six weeks after the PTO 60 deadline. (No. 16-11977). Furthermore, Tam Tran did not file her Sworn Statement until August 17, 2016, thirteen weeks after the deadline. (Rec. Doc. 21510). Tam Tran has not complied with PTO 60 and her claims will be dismissed.

20. Carl Malcolm Shepherd (Short Form Joinder: 97978) (Response to Show Cause Order, 20903)

Carl Malcolm Shepherd was not listed on any Exhibit to the Compliance Order, but he did file a

response to the Show Cause Order. Shepherd filed a short form joinder (Rec. Doc. 97978 in 10-8888), which alleges a B3 claim (personal injury due to exposure to oil and/or chemical dispersant) and perhaps a B1 claim as well. To the extent Shepherd asserts a B1 claim, Shepherd has never filed an individual complaint and, therefore, he has not complied with PTO 60. Consequently, the B1 claims Shepherd has asserted or could have asserted will be dismissed. However, PTO 60 does not apply to B3 claims. Indeed, the Show Cause Order dismissed Short Form Joinders only “to the extent they asserted a B1 claim.” (Show Cause Order ¶ 6, Rec. Doc. 18724). Therefore, Carl Shepherd’s Short Form Joinder is not dismissed insofar as it asserts a B3 claim (personal injury due to exposure to oil and/or chemical dispersant).

**21. Gangi Shrimp Company, LLC (No. 13-1117)
(Motion to Re-Open Case, Rec. Doc. 21681)**

Gangi Shrimp Company, LLC (“Gangi Shrimp”) has had an individual complaint on file since April 18, 2013. (No. 13-1117). Therefore, all PTO 60 required of Gangi Shrimp was that it file a Sworn Statement by May 16, 2016. Gangi Shrimp did not attempt to do this until September 3—over 15 weeks after the deadline—when it filed a Motion to Re-Open Case. (Rec. Doc. 21681).⁸ Gangi Shrimp claims that it was unable to comply with PTO 60 because neither it nor its attorney, Michael Britt, received notice of PTO 60 or the June 7 Show Cause Order. Gangi Shrimp argues, “If a party (like Gangi) has not received notice that certain actions need to be taken by a certain

⁸ This motion was initially filed at Rec. Doc. 21617, but was marked deficient by the Clerk’s Office.

date to preserve its right to proceed with its claim, and failure of which renders their lawsuit dismissed, th[e]n how can that plaintiff be expected to comply with the Court's order.”

PTO 60's notice provision is recounted above with the discussion of *Zat's*. *See* Part (II)(B)(8), *supra*. Although *Gangi Shrimp* discusses other methods by which PTO 60 was to be served, it conspicuously omits any reference to the fact that its counsel should have received notice via File&Serve. The record reflects that Michael Britt was counsel of record for *Gangi Shrimp* at the time PTO 60 issued,⁹ yet he was not served via File & Serve. (*See* Rec. Doc. 21785-1). Given that the burden here is on the plaintiff to show why its failure to comply with PTO 60 should not result in dismissal, coupled with the fact that *Gangi Shrimp* quotes from some of PTO 60's service provisions but avoids any reference to service by File&Serve, the Court concludes that the reason *Gangi Shrimp* did not receive notice of PTO 60 is because *Gangi Shrimp's* attorney failed to sign up for electronic service via File & Serve, as required by PTO 12.

Gangi Shrimp argues that PTO 60 required the PSC to email a copy of PTO 60 to its attorney, but the PSC did not do this. PTO 60 states, “Finally, to the extent practicable, the PSC shall email a copy of this Order to known counsel of record for Plaintiffs who joined in the Amended B1 Master Complaint [] and/or opted out of the [Economic Settlement]. . . .” (PTO 60 ¶ 11, Rec. Doc. 16050 (emphasis added)).

⁹ This distinguishes *Gangi Shrimp* from *Zat's Restaurants*, which was not represented by counsel at the time PTO 60 issued.

The “extent practical” language indicates that this is not a guaranteed form of service—it is an additional measure. As discussed above, Gangi Shrimp’s attorney should have received service via File& Serve. The Court also questions whether Mr. Britt made himself “known” to the PSC. For example, Pre-trial Order No. 25 required plaintiffs with individual lawsuits in MDL 2179 to fill out and serve a Plaintiff Profile Form (“PPF”), which asks for attorney contact information. If Gangi Shrimp’s attorney did not sign up for File & Serve, then it seems likely that he also did not have his client fill out a PPF, either. The Court also notes that the opt-out report states that Gangi Shrimp is represented by another law firm, Leake & Andersson LLP. (*See* Rec. Doc. 16069-1 at 30). In any respect, even if the PSC is to blame for not emailing PTO 60 to Gangi Shrimp’s attorney, the attorney’s presumed failure to sign up for File & Serve defeats his motion.

Accordingly, the Court will deny Gangi Shrimp’s Motion to Re-Open Case. (Rec. Doc. 21681). Gangi Shrimp has not complied with PTO 60 and its claims in No. 13-1117 will be dismissed.

22. Jason Mones (No. 13-2361) (Motion for Leave to File Sworn Statement, Rec. Doc. 21486)

Jason Mones opted out of the Economic Settlement and filed an individual complaint on April 22, 2013. (No. 13-2362). Therefore, Mones only needed to file a Sworn Statement by May 16, 2016, in order to comply with PTO 60. Mones did not attempt to do this until August 16—thirteen weeks after the deadline—when he filed a motion for leave to file the Sworn Statement. (Rec. Doc. 21486).

Mones states that he “was not served with [PTO 60].” However, the record reflects that Mones’ attorney, Bruce Betzer, was served via File & Serve with a copy of PTO 60 on March 29, 2016. (Rec. Doc. 21785-1 at 27). The Court will deny Mones’ Motion for Leave to File Sworn Statement (Rec. Doc. 21486). Mones has not complied with PTO 60 and his claims in 13-2361 will be dismissed.

23. Burt W. Newsome (No. 10-4199) (Motion for Extension of Time, Rec. Doc. 21133)

Burt W. Newsome is an attorney who represents himself. He filed an individual complaint in 2010. (No. 10-4199). Therefore, PTO 60 required Newsome to file a Sworn Statement by May 16, 2016. Newsome did not attempt to do this until July 21—nine weeks past the deadline—when he filed a Motion for Extension of Time. (Rec. Doc. 21133). Newsome’s argument is brief: “Plaintiff did not receive notice of the Pretrial Order and/or any proceedings in [No. 10-4199] and MDL 2179.”

Because Newsome is represented by an attorney—himself—he should have received a copy of PTO 60 via File&Serve. *See* Part (II)(B)(8), *supra*. The record reflects that Newsome was not served via File&Serve. (*See* Rec. Doc. 21785-1). Because Newsome does not provide anything in the way of explanation, the Court presumes, as it does with Gangi Shrimp, that Newsome did not receive a copy of PTO 60 because he failed to sign up for electronic service with File & Serve. Consequently, the Court will deny Newsome’s Motion for Extension of Time. (Rec. Doc. 21133). Newsome has not complied with PTO 60 and his claims in 10-4199 will be dismissed.

24. Abbey Senior Services (No. 16-10231) (Motion to File Complaint Beyond Deadline Under PTO 60, Rec. Doc. 19206)

Abbey Senior Services (“Abbey”) had a short form joinder on file at Rec. Doc. 131147. Therefore, PTO 60 required Abbey to file an individual complaint (No. 16-10231) and a Sworn Statement. On June 15—over four weeks past the PTO 60 deadline—Abbey filed a complaint and Sworn Statement. On June 23, Abbey moved for leave to file beyond the PTO 60 deadline. (Rec. Doc. 19206).

Abbey is represented by an attorney, William Price. The record reflects that Price was served with PTO 60 via File&Serve. (Rec. Doc. 21785-1 at 31). From Abbey’s motion, it appears that Price tried to contact Abbey in April by phone and mail, but Abbey had changed its mailing address and Abbey’s owner either missed or ignored the phone messages from Price. Abbey claims that it did not receive Price’s messages until “sometime around June 10, 2016.”

Abbey, through its attorney, had notice of PTO 60. It appears it was Abbey’s own actions that frustrated the attorney’s attempts to contact Abbey about PTO 60. Consequently, the Court will deny Abbey’s Motion to File Complaint Beyond Deadline. (Rec. Doc. 19206). Abbey has not complied with PTO 60; its claims in 16-10231 will be dismissed.

25. Jeffrey L. Ashley (Short Form Joinder 98700) (Response to Show Cause Order, Rec. Doc. 21999)

Jeffrey L. Ashley is pro se and has had a short form joinder on file since 2011. (Rec. Doc. 98700).

Therefore, PTO 60 required that Ashley file by May 16, 2016 both a Sworn Statement and an individual complaint. Ashley timely submitted a Sworn Statement,¹⁰ but he did not file an individual lawsuit. For that reason he was listed as deficient in the Show Cause Order. Ashley did not respond to the Show Cause Order by the June 27 deadline, and his claim was technically dismissed by the Compliance Order. On September 13, the Court received a letter from Ashley in which he states that he was not aware that he had to file an individual lawsuit and that he never received a copy of the Show Cause Order until September 2, when a copy arrived by mail, which was postmarked August 20.

Given that Ashley timely submitted a Sworn Statement, the Court can infer that he received a copy of PTO 60. PTO 60 clearly stated that plaintiffs who had previously filed only a short form joinder must file both a Sworn Statement and an individual complaint. (PTO 60 ¶ 6(B), Rec. Doc. 16050). Consequently, the Court rejects Ashley's argument that he was not aware he had to file an individual lawsuit. Ashley has not complied with PTO 60 and his claims will be dismissed.

¹⁰ It appears Ashley served the Sworn Statement on BP's counsel. The record does not reflect if he served it on anyone other than BP or filed it with the Court.

D. Other

- 1. Snodgrass Brothers, Inc. (No. 13-6190) (Motion for Clarification on Order Regarding Compliance with PTO 60, Rec. Doc. 21151)**

The Court will address Snodgrass Brothers, Inc. in a separate order.

III. Conclusion

For the reasons set forth above,

IT IS ORDERED that, in addition to the plaintiffs listed on Exhibits 1A and 1B to the Compliance Order of July 14, 2016 (Rec. Doc. 20966), the following plaintiffs are deemed COMPLIANT with PTO 60 and their B1 claims are NOT dismissed:

Plaintiff	Civil Action No.
Bayou Caddy Fisheries, Inc.	12-2665
Leoutha Batiste	16-4154
Pescadores Libres de Cabo Rojito Abad	16-4571
Grupo Libre la Chavelita Jose Luis Perez Cruz	16-4717
Restaurante Veracruzano Tamiahua	16-4775
La Sociedad Cooperativa de Produccion Pesquera Denominada La Rivera de Tampico de Alto SC de RL	16-4586
La Sociedad Cooperativa de Produccion Pesquera Riverena Ostioneros de Saladero SCL	16-4345

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Pescadores Y Cooperativas de Ciudad del Carmen Campeche	16-5310
La Sociedad Cooperativa de Produccion Pesquera Riverena La Aurora Barra de Cazones SCL de CV	16-4556
Pescadores Libres de Tonalá Agua Dulce Veracruz	16-4783
La Sociedad Cooperativa de Produccion Pesquera Pescadores Unidos de La Reforma SC de RL de CV	16-4499
Grupo la Esperanza Flor Idulia	16-4521
Pescadores Libres de Chiquila Quintana Roo	16-4563
La Sociedad Cooperativa de Produccion Pesquera Pescadores de Tamiahua SC de RL de CV	16-4724
La Sociedad Cooperativa de Servicio Lancheros de San Jeronoimo SC de RL de CV	16-4594
La Sociedad Cooperativa de Productores Acuicolas de Congregacion Anahuac SC de RL	16-4512
Libres de Cucharitas 2 Guillermina Castro	16-4550
Grupo La Trucha Guillermina Hernandez	16-4567
Trabajadores de Tampico	16-4762
Permisionario Horacio Morales de la	16-4802

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Isla de San Juan	
Permisionario Joaquin Delgado Ortiz	16-4584
La Sociedad Cooperativa Denominada Camaroneros Unidos de Altamar SC de RL de CV	16-4684
Union de Fileteros de Cucharas Jose Luis Palacios Medina	16-4806
La Sociedad Cooperativa de Produccion Pesquera Riverena Pescadores de Cabo Rojo SC de RL de CV	16-4712
La Sociedad Cooperativa de Produccion Pesquera del Puerto de Tuxpan de Bienes Y Servicios SCL de CV	16-4730
Compra Venta de la Sociedad Cooperativa Tamiahua	16-4706
Pescadores Libres de Morales de Cabo Rojo	16-4697
Pescadores Libres de la Mata Norberto Hernandez	16-4769
Compra Venta del Mercado de Tuxpan	16-4866
Permisionario Rosalino Cruz y Pescadores de Camaron	16-4599
La Sociedad Cooperativa de Produccion Pesquera Riverena Ostioneros Del Sur SC de RL	16-4777
La Sociedad Cooperativa de Productores y Pescadores de Saladero	16-4788

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Veracruz SC de RL	
Despicadoras de Jaiva los Higueros Artemio Aran	16-5710
Fileteras de Mamey de Antonio Aran	16-4786
Grupo Cucharas Juan Ortega Romero Artemio Aran	16-4692
La Sociedad Cooperativa de Produccion Pesquera Grupo Unidos de las Chacas SC de RL de CV	16-4349
Pescadores Libres y Fileteras Claudio Cruz Flores	16-4543
La Sociedad Cooperativa de Produccion Pesquera La Huasteca Veracruzana SC de RL de CV	16-4574
Pescadores Libres de Isla Aguada Campeche	16-4476
Libres de Congregacion la Reforma Artemio Aran	16-5315
Despicadoras de la Isla de San Juan A Ramirez	16-4797
Permisinaria Maria Esther Castillo	16-4873
Grupo La Jaiva Pescadores Alto del Tigre Artemio Aran	16-4700
Louisiana Workers' Compensation Corporation	10-2771, Rec. Doc. 375
Jelp Barber	16-5533
Nabaa Gas Montgomery, LLC	16-7488

Johnny's Clams, Inc. or Johnny Sheridan's	16-5541
Richard Lee Blick	16-4061
Richard E. Seward, Sr.	16-4068
Richard E. Seward, Jr.	16-4072
Roderic Wright	13-1091
Jawof Serenity at Dune Allen, LLC	13-2398
Gregory Stewart	16-4545
Spectrum Organization, Inc. d/b/a The Victorian Rental Pool	13-0331
Alton Rockford Meadows, individually and d/b/a Southern Appraisal Services	13-1746
Capital Bank	13-6648
Shelli J. Ladner (previously listed as compliant, but under wrong case number, 16-3929)	16-3928
Zat's Restaurants, Inc.	13-1711

IT IS FURTHER ORDERED that the following motions requesting reconsideration of the Compliance Order or similar relief are GRANTED: Rec. Doc. 21152 (Jelp Barber and Naaba Gas Montgomery, LLC), Rec. Doc. 21154 (Johnny's Clams Inc./Johnny Sheridan's), Rec. Doc. Rec. 21377 (Richard Lee Blick), Rec. Doc. 21424 (Richard E. Seward, Sr.), Rec. Doc. 21425 (Richard E. Seward, Jr.), Rec. Doc. 21476 (Zat's Restaurants).

IT IS FURTHER ORDERED that Shelli J. Ladner's Motion for Leave to File Amended Complaint re No. 16-3928 (Rec. Doc. 21670) is GRANTED.

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IT IS FURTHER ORDERED that the following plaintiffs have NOT COMPLIED with PTO 60 and their B1 claims are DISMISSED:

Plaintiff	Civil Action No. (or Short Form Joinder No., if no Complaint Filed)
Mark and Emmett Marine, Inc.	--
Mark and Emmett Marine, Inc.	SFJ Nos. 67621, 68666
T. Duffy Builders, LLC a/k/a T.A. Duffy Builders, LLC, f/k/a Benchmark Development, LLC	13-1437
Wanda Haney	--
Sanderson Enterprises, Inc.	SFJ No. 53288
Breathwit Marine Contractors, Ltd.	13-2786 16-11539 16-11546
Breathwit Marine Shipyards, Ltd.	13-2786 16-11539 16-11546
Chapel Hill, LLC	13-2033 16-11519 16-11641 16-11707 16-11711

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Coastal Mining & Marine, LLC	13-2033 16-11519 16-11641 16-11707 16-11711
Pearlington Clay, LLC	13-2033 16-11519 16-11641 16-11707 16-11711
Pearlington Clay Port, LLC	13-2033 16-11519 16-11641 16-11707 16-11711
Commercial Metals Company	16-6259 16-13364 16-13365 16-13367 16-13366
AHT, Inc.	16-6259 16-13364 16-13365 16-13367 16-13366
CMC Steel Fabricators, Inc.	16-6259 16-13364 16-13365 16-13367 16-13366

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SMI Steel, LLC	16-6259 16-13364 16-13365 16-13367 16-13366
Truckla Services, Inc.	16-11698
S.C.P.P. 20 De Abril Del Poblado Ignaci Zaragoza, SC de R.L. de C.V.	13-2791 16-6330 16-7285
All Plaintiffs in No. 16-6330	16-6330
Joaquin Barrera and/or S.C.P.P. Ah Caray, S.C. de R.L. and/or Restaurant Familiar Ah Caray	13-2791 16-6298
Armando Flores	10-4220 16-6015
Mendoza German	10-4220 10-4235 16-6132
Adam Guillot	10-4225 16-6066
David Wayne Hamblin	10-4220 16-6154
Linda Steward d/b/a Sunshine Tax Services, Inc.	13-5142 16-6182
Celestino Lopez	10-4220 16-6138
Raul Blanco Moreno	10-4220 16-6110

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Nicolas Olguin	10-4220 16-5684
Overtime Sports Grill, LLC	16-6029
Roger J. Godfrey	16-6104
Charles Stevenson	11-363 16-6134
The Shrimp Man	11-363 16-6134
Edgar A. Zapata	10-4220 16-6082
First National Bank, USA and other plaintiffs in No. 13-97, including unnamed putative class members	13-97
Eduardo Pineiro Perez, Individually and d/b/a La Sociedad Cooperativa De Produccion Pesquera La Rivera De Tampico De Alto S.C. De R.L	16-4122 16-4230
Claudio Gonzalez del Angel, Individually and d/b/a Pennisionario Claudio Gonzalez del Angel	16-4123 16-4230
Felipe Barrios Anzures, Individually and d/b/a Compro Venta de Felipe Barrios	16-4124 16-4230
Artemio Aran Blanco, Individually and d/b/a Grupo Pescadores Libres Artemio Aran	16-4151 16-4230

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Sammy Davis Briggs	16-4179
Daniel K. Chang	16-6329
Julia (or Julie) Chang	16-6329
Avery Investments, LLC	16-6329
Hilltop Investments, LLC	16-6329
Magnolia Professional Center, LLC	16-6329
Old Spanish Farm, LLC	16-6329
Julvana, LLC	16-6329
Coast Products, LLC	13-5367 16-6216
Laurcon Capital LP	13-5367 16-6216
Gauci's Custom Building and Developing LLC	13-6009 13-6010 16-7048
Winter Garden Italian American Bistro LLC	13-6009 13-6010 16-7048
Joseph V. Gauci	13-6009 13-6010 16-7048
Karen Gauci	13-6009 13-6010 16-7048
St. Joe Beach Property, LLC,	16-6333
Bungalows at Sanctuary Beach, LLC	16-6333

Henry L. Perry	16-6333
Tam Tran	16-11977
Carl Malcom Shepherd	SFJ No. 97978 (dismissed in part and only insofar as he asserts a B1 claim; Shepherd's B3 claim is <u>not</u> dismissed)
Gangi Shrimp Company, LLC	13-1117
Jason Mones	13-2361
Burt W. Newsome (No. 10-4199)	10-4199
Abbey Senior Services (No. 16-10231)	16-10231
Jeffrey L. Ashley	SFJ No. 98700

IT IS FURTHER ORDERED that the following motions are DENIED and/or DENIED AS MOOT, as indicated below:

The Breathwit Entities' Motion for Leave to Allow Permissive Joinder (Rec. Doc. 17622) is DENIED and their Motion for Consideration of Previously Filed Motion Regarding Compliance (Rec. Doc. 18681) is DENIED AS MOOT;

The Chapel and Coastal Entities' Motion and Amended Motion for Leave to Allow Permissive Joinder of Parties (Rec. Doc. 17589, 17616) is DENIED and their Motion for Consideration of Previously Filed Motion (Rec. Doc. 18675) is DENIED AS MOOT;

Gangi Shrimp Company, LLC's Motion to Re-Open Case (Rec. Doc. 21681) is DENIED;

Jason Mones' Motion for Leave to File Sworn Statement (Rec. Doc. 21486) is DENIED;

Burt W. Newsome's Motion for Extension of Time (Rec. Doc. 21133) is DENIED;

Abbey Senior Services' Motion to File Complaint Beyond Deadline Under PTO 60 (Rec. Doc. 19206) is DENIED;

Waltzer Wiygul & Garside, LLC's Motion for Reconsideration of Pre-Trial Order No. 60 (Rec. Doc. 16443) is DENIED;

James Brolin, et al.'s Motion for Leave to Allow Permissive Joinder of Parties and Consolidation of Claims (Rec. Doc. 17736) is DENIED AS MOOT;

Charles Bolton and Jana Cody's Motion for Leave to Allow Permissive Joinder of Parties and Consolidation of Claims (Rec. Doc. 17737) is DENIED AS MOOT;

Drake Rentals, Inc. and Wright's Well Control Services, LLC's Motion for Leave to Allow Permissive Joinder of Parties and Consolidation of Claims (Rec. Doc. 17738) is DENIED AS MOOT;

Laura Ann Estave, et al.'s Motion for Leave to Allow Permissive Joinder of Parties and Consolidation of Claims (Rec. Doc. 17739) is DENIED AS MOOT;

Focus Exploration I, LP, et al.'s Motion for Leave to Allow Permissive Joinder of Parties and Consolidation of Claims (Rec. Doc. 17740) is DENIED AS MOOT;

Specialty Diving of Louisiana, Inc., et al.'s Motion for Leave to Allow Permissive Joinder of Parties and Consolidation of Claims (Rec. Doc. 17741) is DENIED AS MOOT;

Title Cash of Jackson, Inc., et al.'s Motion for Leave to Allow Permissive Joinder of Parties and Consolidation of Claims (Rec. Doc. 17754) is DENIED AS MOOT;

Venus World LLC's Motion for Additional Time (Rec. Doc. 17731) is DENIED AS MOOT;

John O'Grady's Motion for Extension of Time (Rec. Doc. 17732) is DENIED AS MOOT;

The Buzbee Law Firm's Second Motion for Extension of Time to Respond to Pretrial Order 60 (Rec. Doc. 17742) is DENIED AS MOOT with respect to any movers/plaintiffs who were deemed compliant or voluntarily dismissed their claims and DENIED with respect to any other movers/plaintiffs;

Cunningham Bounds, LLC Motion for Extension of Time to Comply with Pre-Trial Order No. 60 (Rec. Doc. 18075) is DENIED AS MOOT;

Antalan & Associates PLLC's Motion for Extension of Time (Rec. Doc. 18088) is DENIED AS MOOT with respect to any movers/plaintiffs who were deemed compliant or voluntarily dismissed their claims and DENIED with respect to any other movers/plaintiffs;

US Gold and Silver, Inc. and Joseph Rainier's Motion for Leave to File Sworn Statement Pursuant to PTO 60 AND Incorporated Memorandum in Support (Rec. Doc. 19190) is DENIED AS MOOT;

SGM Construction, Inc.'s Motion for Extension of Time to Comply with PTO 60 (Rec. Doc. 20190) is DENIED AS MOOT.

Signed in New Orleans, Louisiana, this 16th day of December, 2016.

/s/ Carl J. Barbier
United States District Judge

**ORDER OF THE FIFTH CIRCUIT DENYING
MOTION FOR RECONSIDERATION
(MAY 16, 2018)**

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

—————
IN RE: DEEPWATER HORIZON
—————

KERN MARTIN SERVICES, INCORPORATED,

Plaintiff-Appellant,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA
PRODUCTION COMPANY,

Defendants-Appellees.

DANIEL CEPEDA; FERNANDO CANUL
MIJANGOS; JOSE CATANA; JUAN CEPEDA
RODRIGUEZ; PESCADORES DEL GOLFO
DE MEXICO, S.C. DE R.L.,

Plaintiff-Appellant,

v.

BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA
PRODUCTION COMPANY; BP P.L.C.;

HALLIBURTON ENERGY SERVICES,
INCORPORATED,

Defendants-Appellees.

RAOUL A. GALAN, JR.,

Plaintiff-Appellant,

v.

BP P.L.C.; BP EXPLORATION & PRODUCTION,
INCORPORATED; BP AMERICA
PRODUCTION COMPANY,

Defendants-Appellees.

No. 17-30936

Appeals from the United States District Court
for the Eastern District of Louisiana

Before: DENNIS, SOUTHWICK, and
HIGGINSON, Circuit Judges.

PER CURIAM

This panel previously granted the motion of appellees, BP Exploration & Production, Incorporated; BP America Production Company; BP Corporation North America, Incorporated; BP, P.L.C.; et al to dismiss the appeal. The panel has considered Appellants' motion for reconsideration. IT IS ORDERED that the motion is DENIED.

**ORDER [AS TO THE MOTIONS
FOR RECONSIDERATION, ETC. OF THE
PTO 64 COMPLIANCE ORDER (REC. DOC. 23051)]
(NOVEMBER 8, 2017)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL BY THE OIL RIG
“DEEPWATER HORIZON” in the
GULF OF MEXICO, on April 20, 2010,

MDL No. 2179, Section: J

This Document Relates To: Cases in the
B1 Pleading Bundle

Before: Carl J. BARBIER, Judge,
WILKINSON, Magistrate Judge.

On July 19, 2017, the Court issued what will be referred to as the “PTO 64 Compliance Order,” which identified the remaining cases in the B1 pleading bundle¹ that had complied with PTO 60 and/or PTO 64. (Rec. Doc. 23051). Attached to the PTO 64 Compliance Order were four exhibits. Exhibit 1 listed 215 plaintiffs that the Court deemed to be compliant with PTO 60 and PTO 64. Accordingly, to the extent a plaintiff listed in Exhibit 1 asserted in his/her/its

¹ The “B1 pleading bundle” consists of economic loss and property damage claims by private individuals and businesses.

individual complaint a B1 claim under the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2701 *et seq.*, and/or general maritime law, which had not been otherwise dismissed, that claim was not dismissed by the PTO 64 Compliance Order and remained subject to further proceedings of this Court. Exhibit 2 listed 419 plaintiffs that the Court deemed to be compliant with PTO 60, but were not compliant with PTO 64. Accordingly, to the extent a plaintiff in Exhibit 2 asserted or could have asserted a B1 claim under general maritime law, that claim was dismissed with prejudice. Contrariwise, to the extent a plaintiff in Exhibit 2 asserted in its individual a B1 claim under OPA which was not otherwise dismissed, that claim was not dismissed by the PTO 64 Compliance Order. Exhibit 3 listed 344 plaintiffs that submitted a response to PTO 64, but had not complied with PTO 60. Because the plaintiffs in Exhibit 3 had not complied with PTO 60, their B1 claims had been dismissed with prejudice in an earlier order. (Rec. Doc. 20996 or Rec. Doc. 22003). Finally, Exhibit 4 to the PTO 64 Compliance Order listed 17 individuals and entities that attempted, but failed, to comply with the “Moratoria Hold Opt-Out Order” (Rec. Doc. 22390). The PTO 64 Compliance Order dismissed with prejudice the complaints listed in Exhibit 4.²

Multiple plaintiffs moved for reconsideration of the PTO 64 Compliance Order.³ Per this Court’s

² The Court subsequently ordered that the PTO 64 Compliance Order be amended to add Tannin Inc., No. 13-1583, to Exhibit 1 (Rec. Doc. 23084) and Jamie Gaspard, No. 13-4437, to Exhibit 2 (Rec. Doc. 23256).

³ Motions were filed by Kern Martin Services, Inc. (Rec. Doc. 23060/23099), Union de Fileteros de Cucharas Jose Luis Palacios

direction (Rec. Doc. 23379), BP filed an omnibus response (Rec. Doc. 23379). The law firm of Waltzer Wiygul & Garside, LLC moved for leave to file a reply brief (Rec. Doc. 23454), which the Court will grant and has considered.

Having considered the parties' arguments, the record, and the applicable law, the Court rules as follows:

IT IS ORDERED that the Motion for Leave to File Reply (Rec. Doc. 23454) is GRANTED.

IT IS FURTHER ORDERED that the following plaintiffs are deemed to be COMPLIANT with both PTO 60 and PTO 64:

- Union de Fileteros de Cucharas Jose Luis Palacios Medina (No. 16-4806)
- S.C.C.P.P. Mano de Leon, S.C. de R.L. (No. 16-4366)

Medina (Rec. Doc. 23085), the law firm of Waltzer Wiygul & Garside LLC on behalf of 204 commercial fisherman (Rec. Docs. 23091), the Buzbee Law Firm on behalf of 246 clients (Rec. Doc. 23254), Ultra Wireline Services, LLC (Rec. Doc. 23263), Mark Rodgers (Rec. Doc. 23264), Romy F. Berel, III (Rec. Doc. 23265), 13 plaintiffs represented by Brent Coon (Rec. Doc. 23278), Richard McBride (Rec. Doc. 23370), The Power House Church of God Holy Ghost Power (Rec. Doc. 23371), Raoul A. Galan, Jr. on behalf of his various business entities (Rec. Doc. 23372), Joe L. Thompson, Jr. (Rec. Doc. 23392), Ricky Liddell (Rec. Doc. 23393), Ester Watson (Rec. Doc. 23394), Leoutha Batiste (Rec. Doc. 23395), Martha Caradine (Rec. Doc. 23396), Blondine McBride (Rec. Doc. 23397), Ashley Thompson (Rec. Doc. 23398), Lisa McBride (Rec. Doc. 23399), and Nagan Srinivasan on behalf of Deepwater Construction Inc. (Rec. Doc. 23379-4). Movers apply various titles to their filings. For convenience, the Court will refer to all of these filings as "Motions for Reconsideration."

- S.C.P.P. Barra de Santa Maria, S.C. de R.L. (No. 16-4487)
- S.C.P.P. Barra de Boca Ciega, S.C. de R.L. (No. 16-4392)
- S.C.P.P. Lagunas Unidas al Sistema, S.C. de R.L. (No. 16-4373)
- Leoutha Batiste (No. 16-4154)

To the extent any of these six plaintiffs asserted in their individual complaints a B1 claim under OPA and/or general maritime law, which had not been otherwise dismissed, that claim is not dismissed by the PTO 64 Compliance Order and remains subject to further proceedings of this Court. The PTO 64 Compliance Order is hereby amended such that the above six plaintiffs are added to Exhibit 1 and removed from Exhibit 2(B) or Exhibit 3.

In accordance with the above ruling, IT IS FURTHER ORDERED that the Motion for Reconsideration by Union de Fileteros de Cucharas Jose Luis Palacios Medina (Rec. Doc. 23085) is GRANTED, the Motion for Reconsideration by Leoutha Batiste (Rec. Doc. 23395) is GRANTED, and the Motion for Reconsideration by the Buzbee Law Firm (Rec. Doc. 23254) is GRANTED IN PART.

IT IS FURTHER ORDERED that, except as stated above, the Buzbee Law Firm's Motion for Reconsideration (Rec. Doc. 23254) is DENIED for essentially the reasons provided by BP.⁴

⁴ Per movants' request (Rec. Doc. 23254 at 11), the Court does confirm that Costal Community Investments, Inc. (No. 16-6262), Coastal Land Development Group, LLC (No. 16-5941), International Capital Properties, Inc. (No. 16-5948), Arc on Welding, Inc. (No.

IT IS FURTHER ORDERED that the following plaintiffs are deemed to be COMPLIANT with PTO 60 and NON-compliant with PTO 64:

- Tommys Gulf Seafood (No. 16-6610)
- C-IV Ventures, Inc. (No. 16-6335)
- Jacob Glick (No. 16-6303)
- Loren Glick (No. 16-6303)
- Thien Thi Hoang (No. 16-6175)

To the extent any of the above five plaintiffs asserted or could have asserted a B1 claim under general maritime law, that claim is dismissed with prejudice. To the extent any of the above five plaintiffs asserted a B1 claim under OPA, which was not otherwise dismissed, that claim is not dismissed by the PTO 64 Compliance Order and remains subject to further proceedings of this Court. The PTO 64 Compliance Order is hereby amended such that the above five plaintiffs are added to Exhibit 2.

In accordance with the above ruling, IT IS FURTHER ORDERED that the Motion for Reconsideration by Brent Coon (Rec. Doc. 23278) is GRANTED IN PART.

IT IS FURTHER ORDERED that, except as provided above, the Motion for Reconsideration by Brent Coon (Rec. Doc. 23278) is DENIED for essentially the reasons provided by BP.

16-6056), and Classy Cycles, Inc. (No. 16-5923) have not been dismissed by the PTO 64 Compliance Order. Each of these plaintiffs was listed in Exhibit 2(A) to the PTO 64 Compliance Order.

IT IS FURTHER ORDERED that the following Motions for Reconsideration are DENIED for essentially the reasons provided by BP:

- Kern Martin Services, Inc.'s Motion for Reconsideration (Rec. Doc. 23060)
- Waltzer Wiygul & Garside LLC's Motion for Reconsideration (Rec. Docs. 23091);⁵
- Ultra Wireline Services, LLC, Mark Rodgers, and Romy F. Berel III's Motions for Reconsideration (Rec. Docs. 23263, 23264, 23265);
- Richard McBride, Power House Church of God Holy Ghost Power, Joe L. Thompson, Jr., Ricky Liddell, Ester Watson, Martha Caradine, Blondine McBride, Ashley Thompson, and Lisa McBride's Motions for Reconsideration (Rec. Docs. 23370, 23371, 23392, 23393, 23394, 23396, 23397, 23398, 23399)
- Raoul A. Galan, Jr., et al.'s Motion for Reconsideration (Rec. Doc. 23372)
- Nagan Srinivasan's Motion for Reconsideration (Rec. Doc. 23379-4).

⁵ Waltzer Wiygul & Garside (WWG) bring their motion on behalf of a putative class of 204 commercial fishermen who executed releases from the Gulf Coast Claims Facility. WWG argue that these releases are invalid because they did not comply with the standard for seamen's releases announced in *Garrett v. Moore-McCormack Co.*, 317 U.S. 239 (1942), nor did they comply with OPA. This Court recently rejected identical arguments by two other plaintiffs. (*See* Order of Oct. 20, 2017, Rec. Doc. 23560). That ruling provides additional grounds, apart from those concerning non-compliance with PTO 60, for dismissing these plaintiffs.

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Attached to this Order is an updated version of the four Exhibits that issued with the PTO 64 Compliance Order.

Signed in New Orleans, Louisiana, this 8th day of November, 2017.

/s/ Carl J. Barbier
United States District Judge