

**MINUTE ENTRY**  
**BARBIER, J.**  
**Jan. 18, 2013**  
**JS-10: 60 minutes.**

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

	:	<b>MDL NO. 2179</b>
<b>IN RE: OIL SPILL by the OIL RIG</b>	:	
<b>“DEEPWATER HORIZON” in the</b>	:	
<b>GULF OF MEXICO, on</b>	:	
<b>APRIL 20, 2010</b>	:	<b>SECTION: J</b>
	:	
	:	<b>JUDGE BARBIER</b>
	:	<b>MAG. JUDGE SHUSHAN</b>

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**FRIDAY, JANUARY 18, 2013 8:20 A.M.**  
**JUDGE CARL J. BARBIER PRESIDING**

**FINAL PRETRIAL CONFERENCE**

**The Court held a Final Pretrial Conference regarding the Phase One trial scheduled to commence Feb. 25, 2013. The following matters were discussed:**

**All decisions by the Court are tentative and subject to amendment.**

**Trial Schedule: Typically Monday through Thursday, 8 a.m. until 6 p.m. If Monday is a federal holiday, trial will generally occur Tuesday through Friday. The week before Easter (March 31), trial will occur Monday through Wednesday (March 25-27).**

**The Courthouse and Courtroom will open at 7 a.m.**

**Marshalling of Exhibits Conference: Before Judge Shushan on Thursdays during trial. Exhibits used at trial during the past week will be formally introduced into the record. Expert reports and reliance exhibits to be used during the following week will also be offered. Although exhibits will be pre-admitted before trial, only those exhibits formally introduced through the Marshalling Conference will be part of the**

record for appeal.

Exhibits are deemed admissible unless the Court specifically rules otherwise. The Court may not rule on objections to exhibits until after trial.

**Exhibit and Witness Lists:** The parties have filed amended exhibit and witness lists. Some disputes may need to be addressed by the Court.

**Demonstratives:** Amended Pretrial Order 54 ¶ 5, Rec. Doc. 8173 (“Amended PTO 54”), outlines a procedure for demonstratives. The parties shall provide to the Court two hard copies of demonstratives prior to being used at trial. These should include references to any exhibits upon which the demonstrative relies. For demonstratives used during opening arguments, hard copies are due the morning of opening arguments. For demonstratives used during witness examination, hard copies are due at the time of the examination.

**Advance Notice of Witnesses:** During trial, by Wednesday at noon the parties will provide to each other and the Court a good faith projection of witnesses to be called the following week, including the order of presentation. Any requests to change a list must be made no later than Thursday.

**Courtroom Seating:** A seating chart is attached to Amended PTO 54 as Exhibit A.

**Opening Statements:** A schedule can be found in Amended PTO 54 ¶ 6.

**Examination of Witnesses:** Typically there will be direct examination, cross, and redirect. The Court has not set strict time limits on examination, but may limit examination as necessary.

**Witnesses Called by Deposition:** Deposition bundles and summaries were previously submitted to the Court. The parties discussed potential issues with some of the deposition bundles and video depositions, which the Court may need resolve. Where a party introduces a deposition into the record, the other parties’ designations of that deposition will also be included in the record at the same time.

**Expert Witness Examination:** The Court discussed its expectations for expert testimony. The experts’ reports and C.V. will be introduced as part of the direct examination.

**Motions in Limine:** “New” motions in limine are due today, January 18. See PTO 54 ¶ 4.

**Fifth Amendment Invocation and Inference:** Briefing on these motions have been submitted to the Court.

**Glossary:** Each party should designate a liaison to answer any questions from the Court or the Court Reporter regarding technical terms, word spelling, etc. Worldwide has provided a glossary of terms to the Court Reporter.

**Daubert Motions:** Briefing on these motions have been submitted to the Court. The Court discussed how it expects to handle objections that arise during trial.

**Courthouse Space:** Most issues have been resolved. Magistrate Judge Shushan will work with the parties on any outstanding issues.

**Confidentiality of Materials Prior to and During Trial:** To the extent it has not already occurred, the parties should redact confidential information (e.g., social security numbers, personal addresses, etc.) from materials before submitting to the Court.

**Transocean Counsel** proposed that the parties orally present periodic, interim summations during the trial. The Court will consider this proposal.

**Court Reporter Requests:** Magistrate Judge Shushan will discuss with counsel certain requests from the Court Reporter. The Court will not require the Court Reporter to transcribe a video deposition played in Court; the parties should plan to submit a transcript of a video deposition to the Court immediately prior to playing the video.

**Dry Run:** Counsel to discuss a date and time with Magistrate Judge Shushan.

**Other Issues:** The Court will issue a revised Order regarding access to the trial by press and public.

**Recording or broadcasting (audio, video, realtime transcript, or otherwise) trial proceedings outside the Courthouse is strictly prohibited.**

The Court discussed the issuance and use of realtime and certified transcripts.

The Court and the U.S. Marshal needs advance notice if Counsel plan to bring any large or unusual items (exhibits, demonstratives, etc.) into the Courthouse.

Except for water, food and drinks are not allowed in the Courtroom.

The Conference ended at 9:20 a.m.

A handwritten signature in black ink, appearing to be 'J. Shushan', located at the bottom right of the page.

**ATTENDANCE:**

**PSC: Steve Herman, Jim Roy, Bobo Cunningham, Paul Sterbcow**

**USA: Mike Underhill, Steve O'Rourke, Michelle Delemarre, Deanna Chang, Rachel Hankey**

**Alabama: Luther Strange, Corey Maze, Win Sinclair**

**Louisiana: Buddy Caldwell, Allan Kanner, Jimmy Faircloth**

**BP: Andy Langan, Don Haycraft, Mike Brock, Carrie Karis, Matt Regan**

**Halliburton: Don Godwin, Bruce Bowman, Alan York, Jenny Martinez, Gavin Hill**

**Transocean: Kerry Miller, Rachel Clingman, Steve Roberts, Brad Brian, Mike Doyen**

**Cameron: David Beck, Phil Whitman**

**M-I: Denise Scofield, Hugh Tanner**