

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: Oil Spill by the Oil Rig	:	MDL NO. 2179
“Deepwater Horizon” in the Gulf	:	
of Mexico, on April 20, 2010	:	SECTION: J
	:	
This Document Relates to:	:	JUDGE BARBIER
<i>U.S. v. BP, et al.</i> , 10-4536	:	MAG. JUDGE SHUSHAN

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STIPULATION MOOTING BP’S MOTION FOR PARTIAL SUMMARY
JUDGMENT AGAINST THE UNITED STATES [REC. DOC. 8213].

Whereas, on January 11, 2013, BP Exploration & Production Inc. (“BP”) filed its “Motion for Partial Summary Judgment Against the United States with Respect to Its Claims for Civil Penalties for the More Than 800,000 Barrels of Oil that Were Collected and Never Released into the Environment During the *Deepwater Horizon* Oil Spill.” (Rec. Doc. 8213) (hereinafter, “BP’s Motion”).

Whereas, the United States disputes many of the factual and legal assertions in BP’s Motion, including assertions as to *United States v. Citgo*, which is on appeal, and other issues, but will not address those matters in light of this stipulation.

Whereas the “Collected Oil” flowed from the subsurface reservoir, through the well, through the blow-out preventer, and never came into contact with any ambient sea water, and was not released to the environment in any way (other than via flaring approved by the FOSC).

Whereas, the United States and BP have agreed to Stipulate to the amount of Collected Oil to avoid the need for further proceedings with respect thereto, and to simplify the proceedings before the Court.

Now, therefore, the United States and BP hereby stipulated, for purposes of this civil action, and the Court hereby Orders, as follows:

1. 810,000 barrels of Collected Oil were collected during the spill. Neither BP nor the United States shall dispute this number during Phase Two or later phases of this civil action, nor adduce evidence of a greater or lesser amount for purposes of determining the number of barrels of Collected Oil.
2. For purposes of this civil action, the United States and BP agree that the 810,000 barrels of Collected Oil are not to be used in calculating the statutory maximum penalty under 33 U.S.C. § 1321(b)(7).
3. Nothing in this stipulation prohibits the United States or BP from arguing that the 810,000 barrels relates to the penalty factors set forth in 33 U.S.C. § 1321(b)(8).

4. Nothing in this stipulation prohibits the United States from arguing, or BP from disputing, that any pollution from the flaring resulted in harm to natural resources.

5. The parties do not stipulate as to the accuracy of any particular method of calculating the volume of the Collected Oil, and this stipulation shall not be used as an admission that either party concedes to any particular technique or method.

6. BP's Motion is moot and no further action shall be taken on the Motion.

So Ordered this 19th day of February __, 2013, in New Orleans, Louisiana.


United States District Judge

So Stipulated for the United States of America:

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