

Minute Entry
Barbier, J.
September 11, 2013
JS 10: 1hr. 30min.

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 10-2179

SECTION J (1)

JUDGE BARBIER
MAG. JUDGE SHUSHAN

IN RE: THE COMPLAINT AND PETITION
OF TRITON ASSET LEASING GmbH, ET AL

C.A. 10-2771 J(1)

UNITED STATES OF AMERICA
V.
BP EXPLORATION & PRODUCTION, INC., ET AL

C.A. 10-4536 J (1)

CASE MANAGER:
STEPHANIE KALL

COURT REPORTER:
KAREN IBOS

PRETRIAL CONFERENCE

WEDNESDAY, SEPTEMBER 11, 2013 3:00 P.M.
JUDGE CARL J. BARBIER PRESIDING

The Court held a Final Pretrial Conference regarding the Phase Two trial scheduled to commence September 30, 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.
Monday, October 14, 2013, Columbus Day, will be a regular trial day.

The first week will be the Source Control Segment; each side (PSC/States/Halliburton/Transocean and BP/Anadarko) is allowed 15 hours (30 hours total). The United States is also allocated 30 minutes as outlined in the

Order regarding presentation of evidence in Phase Two [11087].

The next 3 weeks will be the Quantification Segment; each side (United States and BP/Anadarko) is allowed 45 hours (90 hours total).

The Court Reporter will keep track of time allocation for all parties.

Opening statements for the Source Control Segment shall be one hour for each side and 90 minutes for each side for the Quantification Segment.

Marshalling of Exhibits: The Marshalling Conference is currently scheduled for Nov. 7, 2013, before Judge Shushan. The Court will consider a request to hold more than one Marshalling Conference.

Advance notice of witnesses: The timeline established by Magistrate Judge Shushan [11180-1] is amended as follows: BP is not required to disclose its order of witnesses on September 30, 2013. On October 7, 2013, BP will disclose its order of witnesses for the week of October 14, 2013.

Proffers of Evidence: Proffers should be made directly with the Court Reporter, outside of the Judge's presence. Alternatively, parties may electronically file proffers.

Halliburton and Transocean argued in support of their appeals from the Magistrate Judge's rulings excluding them from participating in Phase Two-Quantification proceedings. ORDERED that the objections are OVERRULED and the Appeals [11025] and [11053] are DENIED. The Magistrate Judge is AFFIRMED.

Motions in Limine:

A. Anadarko's MIL to Exclude All Evidence & Argument Re: Anadarko's Culpability or Fault [10826]; ORDERED GRANTED. This ruling is limited to the Phase Two trial.

B. BP's MIL to Exclude "Other Phases" Evidence [11026]; ORDERED GRANTED. The Court did not rule on any specific evidence, however.

C. BP's MIL to Exclude Instances of Prior Alleged Improper Conduct [11027]; ORDERED GRANTED.

D. BP's MIL to Exclude Non-Factual Testimony by Fact Witnesses [11038]; ORDERED that ruling is DEFERRED.

E. BP's MIL to Bar Fact or Opinion Testimony on Issues of Law [11039]; ORDERED GRANTED IN PART. As stated on the record, certain statements by Robert Bea (e.g., "gross negligence") are excluded. In all other respects, ruling is DEFERRED.

F. BP's MIL to Exclude Certain Evidence Related to Criminal Proceedings (Doc. [11043]; ORDERED GRANTED.

G. BP's MIL to Exclude Other Government Reports and Privileged Communications Related to the Scope of BP's Internal Investigation [11044]; ORDERED GRANTED IN PART. The Redacted Staff Paper No. 3 is admissible.

H. BP's MIL to Exclude Evidence Related to the SEC Settlement & EPA Suspension from Phase 2 [11046]; ORDERED GRANTED AS UNOPPOSED.

The Pretrial Conference ended at 4:37 p.m.

A handwritten signature in black ink, appearing to be 'JMS', is located to the right of the text 'The Pretrial Conference ended at 4:37 p.m.'.

Attendees:

Alabama: Corey Maze, Win Sinclair
Anadarko: Ky Kerby, Deb Kuchler, Tony Fitch
BP: Mike Brock, Matt Regan, Carrie Karis, Barry Fields, Andy Langan, Don Haycraft, Paul Collier, Joe Eisert, Rob Gassaway, Bridget O'Connor
Florida: Drake Martin, Russell Kent
Halliburton: Don Godwin, Alan York, Bruce Bowman, Jenny Martinez, Sean Fleming, Gwen Richard
Louisiana: Allan Kanner, Doug Kraus
Mississippi: Lee Martin, Billy Quin
PSC: Steve Herman, Jim Roy, Brian Barr, Robin Greenwald, Matt Lundy, Frank Petosa
Texas: Thomas Edwards, Craig Pritzlaff
Transocean: Brad Brian, Mike Doyen, Luis Li, Grant Davis-Denny, Tamerlin Godley, Kerry Miller, Steve Roberts, Allen Katz
U.S.: Scott Cernich, A. Nathaniel ("Nat") Chakeres, Stephen Flynn, Sarah Himmelhoch, Steve O'Rourke