

MINUTE ENTRY  
BARBIER, J.  
Feb. 3, 2012  
JS-10: 100 minutes.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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

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FRIDAY, FEBRUARY 03, 2012 8:35 A.M.  
JUDGE CARL J. BARBIER PRESIDING

PRETRIAL CONFERENCE

On this date, a pretrial conference was held regarding Phase 1 in member case 10-2771, scheduled to commence Feb. 27, 2011. Attendance is listed below. The following matters were discussed:

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

Confidentiality of materials prior to trial. The Court will consider the request to make depositions and documents public prior to trial, and will issue an Order. At this time, the two-page summaries of deposition transcripts submitted by counsel are considered confidential, *in camera* submissions. The parties will discuss details and remaining issues with the Magistrate Judge.

Marshaling of exhibits. At the end of every trial week, the exhibits used during that week will be compiled and made public.

Seating and table arrangements. Two additional trial tables will be brought in to

**accommodate counsel. Only trial counsel and necessary support staff will be allowed inside the rail. Designated seats behind the rail will be reserved for the press. Seating for the press and public will be on a first-come basis. (The courthouse opens at 7:00 a.m.)**

**Overflow. There will be two overflow rooms, Rooms C-316 and B-309. Overflow rooms will have courtroom audio feeds and evidence screens.**

**Trial Schedule. Monday through Thursday, 8:00 a.m. to 6:00 p.m. If Monday is a federal holiday, trial will occur Tuesday through Friday. During the week of April 2<sup>nd</sup>-5<sup>th</sup>, trial will occur only on Wednesday and Thursday (April 4<sup>th</sup> and 5<sup>th</sup>).**

**Trial Length. Phase I of the trial is expected to end prior to May 31<sup>st</sup>.**

**The courthouse opens 7:00 a.m. All must pass through security.**

**Prohibited Items. The Court will issue an Order as to what items are prohibited inside the courthouse. Cell phones and lap tops will be permitted, provided they are kept on silent and do not create a distraction. Cell phones may not be used (no texting, talking, or e-mailing) during trial. Cell phones may be used in the hall outside the courtroom.**

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

**The Court will consider whether to make available wireless internet and/or realtime transcripts to the press.**

**Opening Statements. All opening statements will be conducted on the first day of trial. Counsel shall refrain from argument or political statements. The Court shall issue an order allocating time for opening statements.**

**Interrogation of witness. Typically there will be only direct examination, cross examination, and re-direct (no re-cross, etc.).**

**The Court discussed the volume of proposed exhibits and depositions transcripts.**

**The Court discussed expert reports and live testimony from expert witnesses.**

**The Defendants recently submitted agreed stipulations of facts for Phase I, to which the PSC and U.S. have responded. The PSC and U.S. take no position on most stipulations (do not object, but do not agree) and have objected, clarified, or**

otherwise responded to some.

The Court continues to issue rulings on the Motions in Limine. Counsel reported on certain Motions in Limine regarding invocations of the 5th Amendment.

Ten-page pretrial statements will be submitted to the Court, *in camera*, by Feb. 8, 2012.

Counsel should begin working on submissions of proposed findings of fact and conclusions of law.

Courtroom etiquette. Counsel will maintain proper decorum at all times. Counsel will use the podium during witness examination. Sidebars should be requested sparingly, if at all. Counsel will stand when making objections. Objections should be concise; no argument unless requested.

Weatherford's Motion for Summary Judgment as to all claims. Two parties stated an intent to oppose this Motion. The parties will discuss this matter and report to the Court by next Friday.

M-I's Motion for Partial Summary Judgment will not be considered before trial.

Sequence. The parties will finalize the sequence of the third-party defendants, as anticipated by PTO 41/CMO 3. The sequence may be altered for particular witnesses.

The Court will not establish strict time allocations for examining witnesses prior to trial. However, the Court may limit or direct counsel's examination as necessary.

At the end of each trial week, counsel will identify for the Court and opposing counsel the witnesses who will be called for the next week.

Limited use of video depositions will be permitted during trial.

The Pretrial Conference ended at 10:15.

A handwritten signature in black ink, appearing to be 'JMS', is written over the text of the pretrial conference ending time.

**ATTENDANCE:**

Steve Herman, Jim Roy, Bobo Cunningham, Paul Sterbcow for PSC.  
Mike Underhill, Steve O'Rourke, Scott Cernich for the United States.  
Luther Strange, Corey Maze, Win Sinclair, Buddy Caldwell, Trey Phillips for the States  
Andy Langan, Don Haycraft, Mike Broch, Carrie Karis, Matt Regan for BP  
Ky Kirby, Deb Kuchler for Anadarko  
Don Godwin, Alan York, Jenny Martinez for Halliburton

**Kerry Miller, Rachel Clingman, Steve Roberts for Transocean  
David Beck, Phil Wittmann for Cameron  
Ed Flanders, John Pritchard for MOEX  
Denise Scofield, Hugh Tanner, John Funderburk for M-I  
Mike Lemoine, Wayne Zeringue, Will Baldwin for Weatherford**