## 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

## THIS DOCUMENT RELATES TO ALL CASES

## **ORDER**

During the September 16, 2010 in-court status conference, the Court tentatively scheduled the trial of the Transocean limitation and liability trial to commence in October/November 2011. Liaison counsel were instructed to meet and confer to prepare a proposed case management order conforming to this anticipated trial schedule.

More recently, liaison counsel for the defendants advised the Court that despite their best efforts, it appeared that it would not be possible to adhere to the Court's previously imposed trial schedule. It was brought to the Court's attention that the forensic analysis and testing of the BOP, presently in the custody of the U.S. Coast Guard at the NASA Michoud facility, would not likely be completed until February, 2011. There will be additional testing and protocols that must be developed, and it is not anticipated that depositions related to the BOP can begin prior to completion of this testing and analysis. Also, the monition date for the filing of claims within the limitation

action is presently scheduled for April 20, 2011, one year following the casualty. Transocean intends to tender other parties pursuant to Fed. R. Civ. P. 14(C). For these reasons, liaison counsel for defendants filed a motion to continue, requesting that the limitation trial be rescheduled to commence in February, 2012, which would allow the court and counsel to put in place a realistic case management order, which is now due to be filed on October 6, 2010. In their Motion to Continue, the defendants notified the Court that liaison counsel for plaintiffs "strenuously object" to the relief requested in the motion.

On October 1, 2010, this Court issued an order setting Defendants' Motion to Continue (Rec. Doc. 454) for expedited hearing on October 5, 2010. The Court ordered that any memoranda in opposition, in addition to the objections previously noted, were to be filed by 5:00 p.m. on October 4, 2010.

While the Court intends to expedite this complex litigation to the extent possible, after reviewing the foregoing, it appears to the Court that the defendants' motion has merit, and that there is good cause to reset the limitation trial date.<sup>1</sup>

Accordingly,

IT IS ORDERED that Defendants' Motion to Continue (Rec. Doc. 454) is hereby GRANTED. The Limitation Trial is therefore

<sup>&</sup>lt;sup>1</sup>Although the limitation trial schedule is changed, the Court will consider the feasibility of conducting test or bellwether trials commencing next summer.

CONTINUED from its tentative start date of October/November 2011 to Monday, February 27, 2012 at 8:30 a.m. This trial is anticipated to be a bench trial lasting approximately eight weeks. Only the issues of liability and limitation will be tried, with issues relating to damages to be severed and tried separately. Liaison counsel shall submit a proposed case management order conforming to this new trial schedule.

New Orleans, Louisiana, this <u>6th</u> day of <u>October</u>

UNITED STATES DISTRICT JUDGE