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U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

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LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

PATRICK JOSEPH TURNER, ET AL

CIVIL ACTION
NO. 05-4206

VERSUS

CONSOLIDATED CASES

MURPHY OIL USA, INC.

SECTION "L" (2)

AMENDED DISCOVERY PLAN FOR PHASE ONE TRIAL

By agreement of the parties, the Court's June 5, 2006 Order setting forth the Discovery Plan for the Phase One trial herein, is amended in the following respects:

I. FACT AND EXPERT WITNESS AND EXHIBIT LISTS

The written reports of plaintiffs' expert witnesses, which reports, as defined in Federal Rule of Civil Procedure 26(a) (2)(B), must fully set forth all matters about which the expert will testify and the basis of for same, all shall have been obtained and delivered to counsel for defendant no later than **July 27, 2006**.

The written reports of defendant's expert witnesses, which reports, as defined in Federal Rule of Civil Procedure 26(a) (2)(B), must fully set forth all matters about which the expert will testify

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and the basis for same, shall be obtained and delivered to counsel for plaintiffs on a “rolling” basis, with the reports of these experts being obtained and delivered within thirty (30) days of the furnishing of the report by the corresponding plaintiffs’ expert, but in no event later than **August 28, 2006**.

Each party simultaneously shall file a fact and expert witness list no later than **August 14, 2006**. However, both parties shall have the right to supplement this list, if and as necessary, no later than **August 29, 2006**.

Each witness on both the original and any supplemental lists shall be designated either as a “will call” witness, i.e., a witness whom the party reasonably anticipates calling at trial, or a “may call” witness. Furthermore, the original and any supplemental lists shall not only identify each witness by name, but also provide a brief description of the expected subject matter of the witness’ testimony.

Both parties simultaneously shall file a final exhibit list no later then **September 11, 2006**.

II. STIPULATIONS

The parties are encouraged and expected to enter into stipulations of all material and pertinent facts which are not seriously in dispute, in order to streamline trial proceedings. A joint, written stipulation of such matters shall be submitted to the Court no later than **September 8, 2006**.

III. DISCOVERY CUTOFF

All fact discovery pertinent to the issues to be adjudicated in the Phase One trial, shall be concluded no later than **September 11, 2006**. All expert discovery pertinent to the issues to be adjudicated in the Phase One trial, shall be concluded no later than **September ²⁰~~22~~, 2006**.

IV. TRIAL USE OF DEPOSITION TESTIMONY

The provisions and deadlines set forth in the Court's June 5, 2006 Order concerning the designation of page and line deposition testimony intended to be presented at trial, are not changed and remain in effect with respect to all depositions taken before September 11, 2006. However, the period of **September 11 - ²⁰~~22~~, 2006** now is reserved for the parties to take depositions expressly for trial purposes, as to witnesses either not available or otherwise beyond the subpoena power of the Court. As to these depositions only, the provisions and deadlines for designation and counter -- designations are as follows:

For all trial depositions taken during the week of September 11, 2006 (ie., September 11 - 15) both parties simultaneously shall designate by page and line all testimony intended to be presented at trial, no later **September 18, 2006**. Both parties simultaneously shall make counter -- designations and/or written objections to the aforesaid deposition testimony no later than **September**

20, 2006. Both parties simultaneously shall make reply designations and/or written objections to counter – designations no later than **September 22, 2006**.

With respect to trial depositions taken during the week of September 18, 2006 (ie., September 18 – ²⁰~~22~~) both parties simultaneously shall designate by page and line all testimony intended to be presented at trial, no later than ²¹September ~~25~~, 2006. Both parties simultaneously shall make counter – designations and/or written objections to the aforesaid deposition testimony no later than ²²September ~~27~~, 2006. Both parties simultaneously shall make reply designations and/or written objections to counter – designations no later than ²⁵September ~~29~~, 2006.

V. MOTION PRACTICE

All motions based upon *Daubert*, or the qualifications of experts under FRE 702, shall be filed in order to be heard no later than ^{Wednesday} September 20, 2006, at ^{9:00 a.m.} ~~a time to be designated by the Court~~.

If any party wishes to conduct an evidentiary hearing in connection with any such motion, the Court and opposing counsel must be notified of this fact well enough in advance to allow for the calling of witnesses and presentation of evidence at the hearing.

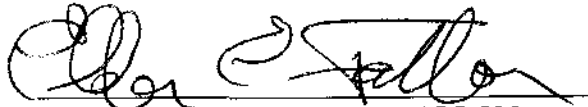
All other motions *in limine* and all dispositive motions (not related to *Daubert* or expert

qualifications) shall be filed in order to set for hearing no later than Thursday, **September 7, 2006**, at **9:00 a.m.**

VI. FINAL PRETRIAL CONFERENCE AND TRIAL

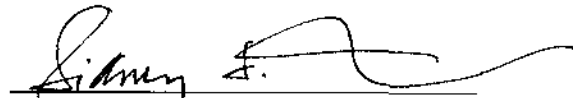
The deadline for submitting a proposed verdict and proposed jury charges (**September 11, 2006**), and the jury trial date (**October 2, 2006, at 8:30 a.m.**), are not changed by this order and remain in effect. However, the final pretrial conference in this matter now shall be held on the 25th day of September, 2006 at 3:30 o'clock a.m./(p.m.)

THIS DONE the 15th day of August, 2006, New Orleans, Louisiana.

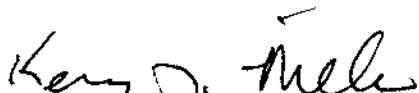

HONORABLE ELDON E. FALLON
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

PLAINTIFF'S LIAISON COUNSEL


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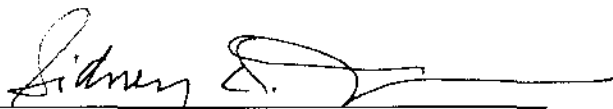


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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a copy of the above and foregoing pleading has been served on all counsel of record by facsimile, electronic mail and U.S. Mail, postage prepaid and properly addressed this same date.

NEW ORLEANS, LOUISIANA, this 14th day of August, 2006.



SIDNEY D. TORRES, III