

**MINUTE ENTRY  
FALLON, J.  
APRIL 6, 2006**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**PATRICK JOSEPH TURNER, ET AL. \* CIVIL ACTION**  
**VERSUS \* NO. 05-4206**  
**MURPHY OIL USA, INC. \* CONSOLIDATED CASE**  
**SECTION "L" (2)**

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**THIS DOCUMENT RELATES TO ALL CASES**

A monthly status conference was held on this date in the Courtroom of Judge Eldon E. Fallon. In attendance on behalf of Plaintiffs were Sidney Torres, Roberta Burns, Gerald Meunier, Hugh Lambert, Richard Arsenault, Al Sarrat, Joseph Bruno, Val Exnicios, Michael Stag, Linda Nelson, Jean Paul Overton, Walter Dumas, Jerald Andry, Meghan Becnel, E. Carroll Rogers, Paul Hesse, Van Robichaux, Bruce Kingsdorf, Anthony Irpino, and Daniel Becnel. In attendance for Defendants were George Frilot, Kerry Miller, Danny Dysart, and A.J. Krouse. Christopher Matchett, Ryan Seidemann, Megan Terrell, and Herman Robinson attended on behalf of the Louisiana Department of Environmental Quality ("LDEQ"). At the conference, counsel reported to the Court on the topics set forth in the Joint Agenda of Plaintiffs' and Defendant's Liaison Counsel.

**1. Discovery Plan Modification for Tank-Related Discovery**

Counsel reported to the Court that, due to the schedule for tank shoring and cleanup, there may be delays in expert reports related to Tank 250-2, the tank that is alleged to have leaked in September 2005. Defense counsel reported that Murphy intends to finish its cleaning

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and shoring up of the tank by May 27, 2006, and no entry into the tank is possible before that date. However, Plaintiffs' deadline to produce expert reports is prior to that date. Counsel are concerned that the process will delay expert reports and depositions. The Court is monitoring the issue, and counsel are to report to the Court if the discovery deadlines need to be modified.

**2 (and 8). Distribution of Property Test Results to Class Members; Plaintiffs' Opportunity to Explain Their Concerns with Murphy's Testing**

Prior to class certification on January 30, Murphy obtained the consent of approximately 350 class members to test their properties. Murphy agreed that, once it received the results, it would disclose them to the property owners. The test results have arrived, and Murphy desires to distribute them. On the other hand, Plaintiffs want the opportunity to explain to these residents Plaintiffs' concerns with the manner in which Murphy has conducted its testing.

Because the individuals who have not opted-out are now represented by Plaintiffs' counsel, IT IS ORDERED that Murphy shall produce these results to Plaintiffs' Liaison Counsel, and he shall distribute them to the homeowners. However, prior to any distribution, counsel shall confer to attempt to develop a joint cover letter or notice to these individuals regarding the results. If an agreement cannot be reached, the Court shall approve two separate cover letters to be distributed.

**3. Class Notices Sent to Those Who Request It from Murphy**

Defendant raised two issues with the Court regarding the Plaintiffs' distribution of the Court-approved Class Notice. First, Murphy is concerned with the delay in sending notice via mail to class members: the notice is being mailed this week, although the notice was approved in February. Second, Murphy brought to the Court's attention a mailing sent by Plaintiffs' counsel to class members this week. This mailing is the subject of Defendant's Oral Motion for

Contempt, which is discussed in a separate Minute Entry.

Plaintiffs countered that their goal in mailing the class notice was to compile the mailing list as carefully and comprehensively as possible. They allege that they worked with an expert to develop the list, and had some delays in compiling the list. The notice is going out this week. Moreover, Plaintiffs argue that there has been substantial publication of the notice in local newspapers, billboards, and at the St. Bernard Parish Courthouse.

**4. LDEQ's Intervention Regarding Groundwater Contamination Claim**

The Louisiana Department of Environmental Quality is filing a motion for intervention this week. Their intervention arises from their statutory obligation under Louisiana Revised Statutes section 30:2015.1 regarding Plaintiffs' claim of groundwater contamination. LDEQ has indicated that it does not wish to intervene on behalf of either Plaintiffs or Defendant. Plaintiffs stated that they may seek LDEQ's financial contribution for certain discovery in the future.

**5. Production of Data from the Public Domain from the Corps of Engineers**

Murphy intends to submit Freedom of Information Act requests to the Army Corps of Engineers for certain discovery. Due to the large amount of information the Corps has gathered in the last few months, the Corps has begun to make most of the data sought by Murphy publicly available via the Internet. After conferring with Plaintiffs, counsel agree that there will be no disputes about the authenticity of these records under Rule 901 of the Federal Rules of Evidence. However, Plaintiffs intend to challenge the relevance of any information from the Corps.

**6. Set-Asides in Light of Murphy's Expanded Settlement Zone**

This matter is discussed in a separate minute entry.

**7 (and 9). Discovery Problems and Production of Test Results**

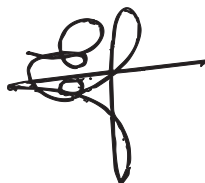
Plaintiffs reported to the Court that they are encountering problems with Murphy's

responses to their written discovery requests. Plaintiffs stated that Murphy has delayed its responses to written discovery until March 17, and that Murphy has stated that it will not produce certain items because Murphy believes they are not discoverable in Phase One. Murphy responds that Plaintiffs' written discovery requests are expansive, and that Murphy is working as quickly as possible to respond. Counsel are to meet on Monday to attempt to resolve these issues. If they cannot be resolved, Plaintiffs shall file an appropriate Motion to Compel.

Counsel also agreed that they will continue to make weekly disclosures to each other regarding test results (of both Plaintiffs and Murphy) and regarding opt-outs and settlements.

**10. Next Monthly Status Conference**

The next monthly status conference shall be held on Tuesday, May 16, 2006 at 9:00 a.m. Liaison counsel are to meet at 8:30 a.m. in Chambers prior to the conference.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.