

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

<b>PATRICK JOSEPH TURNER, ET. AL.</b>	*	<b>CIVIL ACTION NO. 05-4206</b>
<b>Plaintiffs</b>	*	
	*	
<b>VERSUS</b>	*	<b>SECTION "L"</b>
	*	
<b>MURPHY OIL USA, INC.</b>	*	<b>MAGISTRATE "2"</b>
<b>Defendant</b>	*	

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**MEMORANDUM IN SUPPORT OF MOTION BY THE COURT- APPOINTED  
CY PRES COMMITTEE FOR PARTIAL DISBURSEMENT OF FUNDS FROM  
THE CY PRES FUND ESTABLISHED BY THE COURT TO  
THE ST. BERNARD PARISH SCHOOL BOARD**

*May it please the Court,*

The Court-appointed Cy Pres Committee ("Committee"), through its Chairman, the Hon. Robert J. Klees, respectfully moves for a partial disbursement of funds from the Cy Pres Fund established by the Court to the St. Bernard Parish School Board for the reasons set forth herein.

On May 27, 2009, this Court entered an Order in connection with the class action settlement of the captioned matter directing that the surplus funds in the amount of \$3,000,000 from the original settlement corpus of \$330,126,000 should be used in a cy pres distribution to benefit the class as a whole. *See* Rec. Doc. 2772. After a thorough examination of the purpose of the fund and whom it was to benefit, as well as the purpose of the litigation, the Court, in the referenced Order, concluded that the funds should be used for the redress of the destruction and damage throughout St. Bernard Parish. The Court determined that the proposed use of a portion of the excess cy pres funds would serve to increase the tax base of the Parish and would inure to

the benefit of the class members. In furtherance of this Order, the Court then established a committee to recommend distributions from the Cy Pres Fund in furtherance of and consistent with the Court's Order and directives. *See* Order entered on October 6, 2009, Rec. Doc. 2810. Finally, on January 3, 2011, the Court entered an Order directing that defendant, Murphy Oil USA, Inc., deposit the amount of \$3,053,369.40, the Cy Pres corpus with interest, into the registry of the Court, where the funds remain on deposit. *See* Rec. Doc. 3050.

Since the establishment of the Cy Pres Committee, its members have met regularly in connection with its duties to review and recommend distributions from the Cy Pres Fund. One of the goals established by the Committee was to put together a plan to erect a memorial in the area affected by the Murphy Oil Spill. Property currently owned by the St. Bernard Parish School Board on the site of the new Lacoste Elementary School has been made available. This area was located in the center of the Oil Spill footprint.

After discussion with the St. Bernard Superintendent of Schools, Ms. Doris Voitier, the Committee proposed to donate the amount of THREE HUNDRED THOUSAND DOLLARS AND NO/CENTS (\$300,000.00) to the School Board in order to assist, remediate, and prepare the land for the school. In return, the St. Bernard Parish School Board will set aside a piece of land on the corner of Mumphrey and Missouri Streets, measuring approximately 85 feet by 85 feet, for use as a Memorial for victims of the Oil Spill. The St. Bernard Parish School Board will retain ownership of the land dedicated as the site for the Memorial and also has agreed to maintain the Memorial and the Memorial site for the enjoyment of the public, all as set forth in

the attached letter from St. Bernard Superintendent of Schools, Ms. Doris Voitier. *See* Exhibit 1, attached.

Since the new school is presently under construction with a completion date of September 2012, it is necessary to make the \$300,000.00 donation to the St. Bernard Parish School Board to secure the land and proceed with plans for the Memorial.

Accordingly, the Committee requests an Order of the Court directing the Clerk of Court to issue a check from the Cy Pres Fund established in this matter, which fund is currently on deposit in the registry of the Court, in the amount of THREE HUNDRED THOUSAND DOLLARS AND NO/CENTS (\$300,000.00) to be issued and made payable to the St. Bernard Parish School Board, said funds to be expended in accordance with the agreements of the Committee and St. Bernard Parish School Board as set forth herein.

Respectfully submitted,

s/ Hon. Robert J. Klees

Hon. Robert J. Klees  
4620 E. St. Bernard Hwy  
Meraux, LA 70075

**CHAIRMAN OF THE COURT-APPOINTED  
CY PRES COMMITTEE:**

**Hon. Robert J. Klees  
Hon. Daniel L. Dysart  
Salvador E. Gutierrez, Jr.  
Sidney D. Torres, III  
Carl Zornes**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of July, 2012, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record who are CM/ECF participants. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to all counsel of record who are non-CM/ECF participants.

s/ Roberta L. Burns  
ROBERTA L. BURNS