

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: OIL SPILL BY THE OIL RIG
“DEEPWATER HORIZON” IN THE GULF
OF MEXICO, ON APRIL 20, 2010**

MDL No. 2179

TRANSFER ORDER

Before the Panel: Plaintiff in an action pending in the Southern District of Mississippi (*Vickers*), as listed on Schedule A, moves under Panel Rule 7.1 to vacate our order conditionally transferring the action to the Eastern District of Louisiana for inclusion in MDL No. 2179.¹ Responding BP defendants oppose the motion.²

In his motion to vacate, the *Vickers* plaintiff argues that his action primarily concerns the alleged ineffectiveness of his counsel in failing to investigate and timely prosecute plaintiff’s claim that he suffered injuries while working as a Deepwater Horizon oil spill clean-up worker, that there are two motions pending in his action, and that he would be inconvenienced by transfer. These arguments are not convincing. The viability of plaintiff’s claims against his attorneys appears largely to turn on whether plaintiff can prevail on his claims against the BP defendants.³ The transferee court is fully capable of addressing plaintiff’s pending motions.⁴ And plaintiff’s argument that he would be inconvenienced by transfer also does not warrant vacatur, because in deciding issues of transfer under Section 1407, the Panel “look[s] to the overall convenience of the parties and witnesses, not just those of a single plaintiff or defendant in isolation.”⁵ Indeed, transfer will place plaintiff’s claims before a judge uniquely familiar with the factual allegations underlying those claims, as well as facilitate plaintiff’s access to the undeniably massive amount of discovery

¹ Plaintiff is proceeding *pro se*.

² Those defendants are BP America Inc., BP Company North America Inc., BP Corporation North America Inc., and BP p.l.c.

³ In his complaint, plaintiff plainly alleges that the BP defendants, were “directly responsible for the blowout, explosion, and resulting oil spill at the Deepwater Horizon Rig,” and that the “entire situation” surrounding the spill and the cleanup was a direct result of the BP defendants’ negligence. *See* Compl. ¶ 12.

⁴ *See In re: ClassicStar Mare Lease Litig.*, 528 F. Supp. 2d 1345, 1347 (J.P.M.L. 2007) (denying defendant’s request that transfer be delayed until transferor court ruled on defendant’s motion to dismiss).

⁵ *See, e.g., In re Watson Fentanyl Patch Prods. Liab. Litig.*, 883 F. Supp. 2d 1350, 1351-52 (J.P.M.L. 2012).

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conducted in the MDL. As with any MDL, transfer should not affect the locations where the depositions of plaintiff and any local witnesses will take place.⁶

After considering the parties' arguments, we find that the *Vickers* action involves common questions of fact with actions previously transferred to MDL No. 2179, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiff does not dispute that his action, like those already in the MDL, arises out of the explosion and fire that destroyed the Deepwater Horizon rig, and the resulting oil spill. *See In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on Apr. 20, 2010*, 731 F. Supp. 2d 1352, 1353-55 (J.P.M.L. 2010).

IT IS THEREFORE ORDERED that the *Vickers* action is transferred to the Eastern District of Louisiana, and, with the consent of that court, assigned to the Honorable Carl J. Barbier for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

⁶ *See, e.g., In re Baldwin-United Corp Litig.*, 581 F. Supp. 739, 740 (J.P.M.L. 1984) (“[T]here is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise.”).

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SCHEDULE A

Southern District of Mississippi

VICKERS v. REUB & MOTTA, ET AL., C.A. No. 1:16-00003