

**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 the Southern District of Alabama action (*Law*) listed on the attached Schedule A moves under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring her action to MDL No. 2179. BP defendants<sup>1</sup> and Halliburton Energy Services, Inc., oppose the motion to vacate.

The actions in MDL No. 2179 share factual questions arising from the explosion and fire that destroyed the Deepwater Horizon offshore drilling rig, and the resulting oil spill. *See In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010*, 731 F. Supp. 2d 1352 (J.P.M.L. 2010). Plaintiff in *Law* alleges that she has suffered personal injuries as a result of exposure to oil and chemicals released during the oil spill and the cleanup efforts that followed. Her action thus falls squarely within the ambit of the MDL.

Plaintiff argues that, because the transferee court already has resolved the issue of defendants’ liability for the spill, the only issues remaining in her case are individual—namely, whether exposure to oil or chemicals from the spill caused her injury and, if so, the extent of her damages. Plaintiff further maintains that transfer will result in inefficiency and delay. We addressed the same arguments from plaintiff’s counsel at a recent hearing session and rejected them. Transfer Order, *Johnson v. BP Exploration & Production, Inc., et al.*, S.D. Alabama, C.A. No. 1:21-00312, MDL No. 2179, ECF No. 2066 (J.P.M.L. Dec. 7, 2021). As we observed there, in a February 2021 case management order, the transferee court established claim substantiation procedures for “future” personal injury actions in the MDL, to determine whether the claims have a sufficient evidentiary basis to proceed further and should be remanded, transferred, or assigned to a judge within the Eastern District of Louisiana for further proceedings. *See Case Management Order for the B3 Bundle, In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010*, C.A. No. 2:10-md-2179, ECF No. 26924 (E.D. La. Feb. 23, 2021). Those procedures require plaintiffs to provide basic information and documentation relating to issues of specific causation and damages. All personal injury actions in the MDL—including the recently-transferred *Johnson* action—have been required to comply with those orders. As we stated in *Johnson*, “until the transferee judge indicates that B3 cases no longer are required to complete this

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\* Judge David C. Norton did not participate in the disposition of this matter.

<sup>1</sup> BP Exploration & Production Inc. and BP America Production Company.

process, we see no reason to treat this action differently.” Transfer Order, MDL No. 2179, ECF No. 2066, at 2.

Plaintiff also argues that the Panel should defer ruling on her motion to vacate until the transferee court rules on her counsel’s motion to clarify the February 2021 case management order. The motion for clarification asked the MDL court to rule that personal injury actions filed outside the Eastern District of Louisiana need not be transferred to the MDL to comply with the claim substantiation process. BP defendants, however, have informed us that the transferee court orally denied that motion on April 1, 2022.

Thus, after considering the argument of counsel, we find that this action involves common questions of fact with actions transferred to MDL No. 2179, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation.

IT IS THEREFORE ORDERED that the action listed on Schedule A 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



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Karen K. Caldwell  
Chair

Nathaniel M. Gorton  
Roger T. Benitez  
Madeline Cox Arleo

Matthew F. Kennelly  
Dale A. Kimball

**IN RE: OIL SPILL BY THE OIL RIG “DEEPWATER HORIZON”  
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**SCHEDULE A**

Southern District of Alabama

LAW v. BP EXPLORATION & PRODUCTION, INC., ET AL.,  
C.A. No. 1:21-00520