

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 District of Delaware *McMinn* action listed on the attached Schedule A moves under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring his action to MDL No. 2179. The Transocean defendants¹ oppose the motion to vacate.

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. 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 *McMinn* alleges that he developed acute myeloid leukemia and other personal injuries as a result of his work assisting with the remediation efforts following the oil spill. His action thus falls within the scope of the MDL.

Plaintiff contends that transfer is not warranted because the case-specific issues in his action vastly outweigh those relating to his relatively brief stint working on the Deepwater Horizon oil spill. This is so, he argues, because—unlike most MDL plaintiffs—he alleges exposure to toxins over a ten-year period while employed by Transocean on various offshore drilling units. He further argues that, also unlike most MDL plaintiffs, he has not sued the BP defendants or Halliburton Energy Services, Inc.; instead, his action names Transocean and Oceaneering International Inc. Thus, he maintains, transfer will provide few, if any, opportunities for relevant discovery and will result in inefficiency and delay. Transocean, in response, argues that all other personal injury actions relating to the oil spill have been transferred and subjected to the claim substantiation process established for such actions in the MDL. *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). Transocean contends that there is no reason to except the *McMinn* action from those procedures. In addition, it notes

* Judge Matthew F. Kennelly did not participate in the decision of this matter.

¹ Transocean Holdings, LLC, Transocean Deepwater, Inc., and Transocean Offshore Deepwater Drilling, Inc. (together, “Transocean”).

that plaintiff concedes he is a member of the settlement class² whose remedies—at least for injuries related to the oil spill—are governed by the Medical Benefits Class Action Settlement Agreement (MSA) approved by the MDL court in January 2013.

We conclude that transfer is warranted. Plaintiff is a member of the medical benefits settlement class and did not opt out of the class. In granting final approval of the MSA, the MDL court reserved exclusive jurisdiction to interpret and enforce the settlement, and enjoined class members from prosecuting released claims against any released party.³ *See* Order and Judgment Granting Final Approval of Medical Benefits Class Action Settlement and Confirming Certification of the Medical Benefits Settlement Class, *In re Oil Spill, id.*, ECF No. 8218 (E.D. La. Jan. 11, 2013). The transferee court is thus well-positioned to determine whether and to what extent plaintiff may pursue his claims. Once the court has determined whether plaintiff's action, or any part of it, is viable, it can determine what further proceedings are appropriate, including whether the *McMinn* parties' participation in the MDL's claim substantiation process would be beneficial.

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



Karen K. Caldwell
Chair

Nathaniel M. Gorton
Roger T. Benitez
Madeline Cox Arleo

David C. Norton
Dale A. Kimball

² In May 2023, plaintiff submitted a Notice of Intent to Sue pursuant to the “back-end litigation option” provisions of the MSA, and had until April 22, 2024, to file suit against the BP defendants, but he did not do so.

³ Oceaneering International Inc. is listed as a released party in the MSA. *See* MSA Section II.LLL, Ex. 6. Transocean was not included in the list of released parties, but the MSA barred settlement class members from pursuing oil spill-related compensatory damages claims against Transocean. *See* MSA Sections XVII.A and XVII.B.2.

**IN RE: OIL SPILL BY THE OIL RIG “DEEPWATER HORIZON”
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MDL No. 2179

SCHEDULE A

District of Delaware

MCMINN v. OCEANEERING INTERNATIONAL, INC., ET AL.,
C.A. No. 1:24-00981