

Case No. 13-30830

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

EXXON MOBIL CORPORATION

Plaintiff – Appellant

v.

CLARENCE HILL; TIMOTHY J. FALCON;
JEREMIAH A. SPRAGUE; FRANK M. BUCK, JR.

Defendants – Appellees

Appeal

from the United States District Court, Eastern District of Louisiana
Civil Action No. 13-236, Section L
District Judge Eldon E. Fallon

**Record Excerpts
of Appellant, Exxon Mobil Corporation**

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Table of Contents

	Tab
Docket Sheet – Civil Action No. 13-236	1
Docket Sheet – Civil Action No. 11-2786	2
Notice of Appeal filed July 29, 2013	3
Notice of Appeal filed Sept. 9, 2013	4
Judgment entered Aug. 28, 2013	5
Order and Reasons entered June 28, 2013	6
Certificate of Service.....	7

Tab 1

APPEAL,CLOSED

**U. S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:13-cv-00236-EEF-DEK**

Exxon Mobil Corporation v. Hill et al
Assigned to: Judge Eldon E. Fallon
Referred to: Magistrate Judge Daniel E. Knowles, III
Case in other court: Fifth Circuit Court of Appeals, 13-30830
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 02/07/2013
Date Terminated: 08/28/2013
Jury Demand: None
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

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02/07/2013	1	ORDER that the recently permitted complaint of intervention is hereby severed from case 11-2786 and transferred to section "L" for further handling. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 2/7/13.(ala,) (Entered: 02/13/2013)
02/07/2013	2	COMPLAINT IN INTERVENTION against Frank M Buck, Jr, Timothy J Falcon, Clarence Hill, Jeremiah A. Sprague filed by Exxon Mobil Corporation. (ala,) (Entered: 02/13/2013)
03/11/2013	3	MOTION to Enforce Attorney-Client Privilege by Exxon Mobil Corporation. Motion set for 4/3/2013 09:00 AM before Judge Eldon E. Fallon. (Attachments: # 1 Memorandum in Support , # 2 Exhibit A through I, # 3 Notice of Submission)(Stern, Martin) Modified on 3/12/2013 (ala,). (Entered: 03/11/2013)
03/26/2013	4	MOTION to Stay by Frank M Buck, Jr, Jeremiah A. Sprague, Clarence Hill, Timothy J Falcon. Motion set for 4/17/2013 09:00 AM before Judge Eldon E. Fallon. (Attachments: # 1 Memorandum in Support of Motion to Stay, # 2 Notice of Submission)(Buck, Frank) Modified on 3/27/2013 (tbl). (Entered: 03/26/2013)
03/26/2013	5	Request/Statement of Oral Argument by Frank M Buck, Jr, Jeremiah A. Sprague, Clarence Hill, Timothy J Falcon regarding 4 MOTION to Stay . (Attachments: # 1 Proposed Order)(Buck, Frank) Modified on 3/27/2013 (tbl). (Entered: 03/26/2013)
03/26/2013	6	Request/Statement of Oral Argument by Frank M Buck, Jr, Jeremiah A. Sprague, Clarence Hill, Timothy J Falcon regarding 3 MOTION Motion to Enforce Attorney-Client Privilege . (Attachments: # 1 Proposed Order)(Buck, Frank) Modified on 3/27/2013 (tbl). (Entered: 03/26/2013)
03/26/2013	7	DEFICIENT: MOTION to Continue <i>Hearing on Intervenors Motion to Enforce Attorney-Client Privilege</i> by Frank M Buck, Jr, Timothy J Falcon, Clarence Hill, Jeremiah A. Sprague. Motion set for 4/17/2013 09:00 AM before Judge Eldon E. Fallon. (Attachments: # 1 Proposed Order, # 2 Supplement, # 3 Notice of Submission)(Sprague, Jeremiah) Modified on 3/27/2013 (tbl). (Entered: 03/26/2013)
03/27/2013	8	RESPONSE to Motion filed by Exxon Mobil Corporation re 7 MOTION to Continue <i>Hearing on Intervenors Motion to Enforce Attorney-Client Privilege</i> and Requests for Oral Argument filed by Defendants-in-Intervention . (Stern,

		Martin) Modified on 3/28/2013 (tbl). (Entered: 03/27/2013)
03/27/2013	9	Correction of Docket Entry by Clerk re 4 MOTION to Stay , 5 Request/Statement of Oral Argument, 6 Request/Statement of Oral Argument. Filing attorney did not select Timothy J Falcon, Clarence Hill, Jeremiah A. Sprague as filers. Clerk added filers. (tbl) (Entered: 03/27/2013)
04/01/2013	10	ORDER - The Court has pending before it Plaintiff Exxon Mobil Corporation's Motion to Enforce Attorney-Client Privilege 3 and Defendants' Motion to Stay. ORDERED that the hearing on Plaintiff's Motion to Enforce Attorney-Client Privilege is CONTINUED from 4/3/13 until 4/17/13 at 9:00am. Any Opposition to either motion will be due by 4/15/13. FURTHER ORDERED that both requests 5 for Oral Argument 6 are GRANTED. The Court will hear oral argument on both motions on 4/17/2013 at 9:00 AM before Judge Eldon E. Fallon. Signed by Judge Eldon E. Fallon on 4/1/13. (dno,) (Entered: 04/01/2013)
04/01/2013	11	EXPARTE/CONSENT MOTION to Continue <i>Deadline to Submit Opposition to Intervenor's Motion to Enforce Attorney-Client Privilege and MOTION to Continue Hearing on Intervenor's Motion to Enforce Attorney-Client Privilege</i> by Frank M Buck, Jr, Timothy J Falcon, Clarence Hill, Jeremiah A. Sprague. (Attachments: # 1 Memorandum in Support, # 2 Notice of Submission, # 3 Proposed Order)(Sprague, Jeremiah) Modified on 4/2/2013 (tbl). (Entered: 04/01/2013)
04/02/2013	12	Correction of Docket Entry by Clerk re 11 MOTION to Continue <i>Deadline to Submit Opposition to Intervenor's Motion to Enforce Attorney-Client Privilege and Motion to Continue Hearing on Intervenor's Motion to Enforce Attorney-Client Privilege</i> . Filing attorney should have selected 'Yes' at the question 'Is this an Exparte/Consent Motion Y/N?'. Exparte/Consent motions are not set for hearing. Clerk has removed hearing date. (tbl) (Entered: 04/02/2013)
04/09/2013	13	RESPONSE/MEMORANDUM in Opposition filed by Exxon Mobil Corporation re 4 MOTION to Stay . (Stern, Martin) (Entered: 04/09/2013)
04/09/2013	14	RESPONSE/MEMORANDUM in Opposition filed by All Defendants re 3 MOTION Motion to Enforce Attorney-Client Privilege. (Attachments: # 1 Exhibit 1, Booher 2-5-1988 Memo, # 2 Exhibit 2, Lester CDC Transcript, # 3 Exhibit 3, en globo Lund Letters, # 4 Exhibit 4, Otto Affidavit, # 5 Exhibit 5, MIS Exclude Hamilton, # 6 Exhibit 6, Oleszkowicz 24JDC Transcript) (Sprague, Jeremiah) (Attachment 6 replaced on 4/15/2013) (caa,). Modified on 4/15/2013 (caa,). (Entered: 04/09/2013)
04/10/2013	15	Correction of Docket Entry by Clerk re 14 Response/Memorandum in Opposition to Motion. Attachment has duplicate description. For attachment, select either a category OR enter a description, but not both since this results in duplicate docket text. Clerk took corrective action. (tbl) (Entered: 04/10/2013)
04/10/2013	16	EXPARTE/CONSENT MOTION to Amend/Correct 14 Response/Memorandum in Opposition to Motion, <i>to Enforce Attorney-Client Privilege</i> by Frank M Buck, Jr, Timothy J Falcon, Clarence Hill, Jeremiah A. Sprague. (Attachments: # 1 Proposed Order, # 2 Exhibit Exhibit "6" Oleszkowicz 24JDC Transcript)(Sprague, Jeremiah) (Entered: 04/10/2013)

04/11/2013	17	EXPARTE/CONSENT MOTION for Leave to File <i>Reply to Opposition</i> by Exxon Mobil Corporation. (Attachments: # 1 Proposed Order, # 2 Proposed Pleading Reply to Opposition)(Stern, Martin) (Entered: 04/11/2013)
04/12/2013	18	ORDER granting 16 Motion to Amend/Correct. Signed by Judge Eldon E. Fallon on 4/12/2013. (caa,) (Entered: 04/15/2013)
04/15/2013	19	ORDER granting 17 plaintiff-in-intervention, Exxon Mobil Corporation's Motion for leave of Court to file a Reply Memorandum to the Opposition to the Motion to Enforce Attorney-Client Privilege. Signed by Judge Eldon E. Fallon on 4/15/13. (dno,) (Entered: 04/16/2013)
04/16/2013	20	REPLY MEMORANDUM in Support filed by Exxon Mobil Corporation re 3 MOTION Motion to Enforce Attorney-Client Privilege . (dno,) (Entered: 04/16/2013)
04/17/2013	21	Minute Entry for proceedings held before Judge Eldon E. Fallon: Motion Hearing held on 4/17/2013 re 4 MOTION to Stay filed by Frank M Buck, Jr, Timothy J Falcon, Clarence Hill, Jeremiah A. Sprague, 3 and Motion to Enforce Attorney-Client Privilege filed by Exxon Mobil Corporation. After argument - BOTH MOTIONS WERE TAKEN UNDER SUBMISSION. (Court Reporter Cathy Pepper.) (dno,) (Entered: 04/18/2013)
04/25/2013	22	TRANSCRIPT of Motion Hearing held on April 17, 2013 before Judge Eldon Fallon. Court Reporter/Recorder Cathy Pepper, Telephone number 504-589-7779. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 21 days from the filing of this transcript to file with the Court a Redaction Request. Release of Transcript Restriction set for 7/24/2013. (rsg) (Entered: 04/25/2013)
06/28/2013	23	ORDER & REASONS that the Plaintiff's 3 Motion to Enforce Attorney-Client Privilege and Plaintiff's 4 Motion to Stay are DENIED. Signed by Judge Eldon E. Fallon on 6/28/13. (dno,) (Entered: 06/28/2013)
07/08/2013	24	MOTION for Entry of Judgment under Rule 54(b) by Exxon Mobil Corporation. Motion set for 7/24/2013 09:00 AM before Judge Eldon E. Fallon. (Attachments: # 1 Memorandum in Support of Motion for Rule 54(b) Designation, # 2 Exhibit A to Memorandum, # 3 Notice of Submission for 7/24/13)(Stern, Martin) (Entered: 07/08/2013)
07/16/2013	25	RESPONSE/MEMORANDUM in Opposition filed by All Defendants re 24 MOTION for Entry of Judgment under Rule 54(b) . (Buck, Frank) (Entered: 07/16/2013)
07/17/2013	26	EXPARTE/CONSENT MOTION for Leave to File <i>Reply to Opposition</i> by Exxon Mobil Corporation. (Attachments: # 1 Proposed Pleading Reply in Support of Motion for 54(b) Designation, # 2 Proposed Order Allowing Plaintiff to File Reply)(Stern, Martin) (Entered: 07/17/2013)
07/19/2013	27	ORDER granting 26 Plaintiff Exxon Mobil Corporation's Motion for Leave to File its Reply to Plaintiffs' Opposition to Motion for Rule 54(b) Designation.

		Signed by Judge Eldon E. Fallon on 7/19/13. (dno,) (Entered: 07/19/2013)
07/19/2013	28	REPLY MEMORANDUM in Support filed by Exxon Mobil Corporation re 24 MOTION for Entry of Judgment under Rule 54(b) . (dno,) (Entered: 07/19/2013)
07/29/2013	29	NOTICE OF APPEAL by Exxon Mobil Corporation as to 23 Order on Motion for Miscellaneous Relief, Order on Motion to Stay. (Filing fee \$ 455, receipt number 053L-4079591.) (Stern, Martin) (Entered: 07/29/2013)
08/14/2013	30	APPEAL TRANSCRIPT REQUEST by Exxon Mobil Corporation for proceedings held on 4/17/2013 re 29 Notice of Appeal. (tbl) (Entered: 08/16/2013)
08/28/2013	31	JUDGMENT entered in favor of Clarence Hill, Frank M Buck, Jr, Jeremiah A. Sprague, Timothy J Falcon and against Exxon Mobil Corporation. Signed by Judge Eldon E. Fallon on 8/28/13.(dno,) (Entered: 08/28/2013)
09/09/2013	32	NOTICE OF APPEAL by Exxon Mobil Corporation as to 31 Judgment. (Filing fee \$ 455, receipt number 053L-4142047.) (Stern, Martin) (Entered: 09/09/2013)
10/09/2013	34	ORDER of USCA granting motion to supplement the record on appeal; Signed by USCA Clerk. (lag,) (Entered: 10/09/2013)

PACER Service Center			
Transaction Receipt			
11/21/2013 16:56:32			
PACER Login:	ar2137	Client Code:	000249-000121
Description:	Docket Report	Search Criteria:	2:13-cv-00236-EEF-DEK
Billable Pages:	6	Cost:	0.60

Tab 2

**U. S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:11-cv-02786-SSV-JCW
Internal Use Only**

Hill v. Exxon Mobil Corporation et al
Assigned to: Chief Judge Sarah S. Vance
Referred to: Magistrate Judge Joseph C. Wilkinson, Jr
Case in other court: USCA, 5th Cir., 13-30598
24th JDC, Jefferson Parish, 698-474"K"
Cause: 00:0000 Cause Code Unknown

Date Filed: 11/09/2011
Date Terminated: 01/03/2013
Jury Demand: Defendant
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Intervenor Plaintiff

Exxon Mobil Corporation
TERMINATED: 02/07/2013

V.

Intervenor Defendant

Timothy J Falcon
TERMINATED: 02/07/2013

Intervenor Defendant

Jeremiah A. Sprague
TERMINATED: 02/07/2013

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Frank M Buck, Jr
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Intervenor Defendant

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formerly known as
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Date Filed	#	Docket Text
11/10/2011	<u>1</u> (p.446)	NOTICE OF REMOVAL with jury demand from 24th Judicial District Court, Parish of Jefferson, case number 698-474 (Fee previously paid) filed by Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated. (Attachments: # <u>1</u> (p.456) Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit)(Pilie, Glen) (Attachment 1 replaced on 11/10/2011) (rll,). (Attachment 2 replaced on 11/10/2011) (rll,). (Attachment 3 replaced on 11/10/2011) (rll,). (Attachment 4 replaced on 11/10/2011) (rll,). (Attachment 5 replaced on 11/10/2011) (rll,). (Attachment 6 replaced on 11/10/2011) (rll,). (Attachment 7 replaced on 11/10/2011) (rll,

). (Attachment 8 replaced on 11/10/2011) (rll,). (Attachment 9 replaced on 11/10/2011) (rll,). (Attachment 10 replaced on 11/10/2011) (rll,). (Attachment 12 replaced on 11/10/2011) (rll,). Modified on 11/10/2011 to edit filer & reduce and replace attachments (rll,). (Entered: 11/10/2011)
11/10/2011	2	Initial Case Assignment to Chief Judge Sarah S. Vance and Magistrate Judge Joseph C. Wilkinson, Jr. (mmf,) (Entered: 11/10/2011)
11/10/2011		Filing fee received : \$ 350.00 (mmf,)CreditCard053L-3271227\$ 350.00 (Entered: 11/10/2011)
11/10/2011	<u>3 (p.764)</u>	Civil Cover Sheet Submitted (Pilie, Glen) (Entered: 11/10/2011)
11/10/2011	<u>4 (p.766)</u>	Directive by the Clerk re Notice of Removal in compliance with 28USC1447(b). By the Clerk of Court on 11/10/2011.(rll,) (Entered: 11/10/2011)
11/16/2011	<u>5 (p.767)</u>	NOTICE Scheduling Conference set for 12/1/2011 11:45 AM before courtroom deputy by telephone, by Clerk.(rll,) (Entered: 11/16/2011)
11/16/2011	<u>6 (p.769)</u>	ANSWER to <u>1 (p.446)</u> Notice of Removal,,,, <i>Plaintiff's Petition for Damages</i> by Shell Oil Company.(Mollere, Chadwick) (Entered: 11/16/2011)
11/17/2011	<u>7 (p.786)</u>	MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim Pursuant to Federal Rule of Civil Procedure 12(b)(6)</i> by Chevron USA Inc. Motion set for 12/7/2011 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Notice of Submission, # <u>2</u> Memorandum in Support)(Phillips, Michael) (Entered: 11/17/2011)
11/18/2011	<u>8 (p.798)</u>	MOTION to Dismiss <i>Medical Monitoring Claim</i> by Marathon Oil Company. Motion set for 12/7/2011 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Notice of Submission)(Pabst, Richard) (Entered: 11/18/2011)
11/21/2011	<u>9 (p.802)</u>	MOTION to Dismiss <i>Plaintiffs' Medical Monitoring Claims Pursuant to Federal Rule of Civil Procedure 12(B)(6)</i> by BP America Production Company. Motion set for 12/7/2011 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Proposed Order)(Guillot, Gavin) (Entered: 11/21/2011)
11/22/2011	<u>10 (p.809)</u>	Notice of Compliance with 28 U.S.C. § 1446(b) Directive of Clerk of Court Regarding Notice of Removal by Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated re <u>4 (p.766)</u> Order. (Sercovich, Valeria) (Entered: 11/22/2011)
11/22/2011	<u>11 (p.814)</u>	MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim Pursuant to Federal Rule of Civil Procedure 12(b)(6)</i> by Oxy USA Inc. Motion set for 12/7/2011 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission)(Fenasci, Edward) Modified on 11/23/2011 to edit text (rll,). (Entered: 11/22/2011)
11/29/2011	<u>12 (p.820)</u>	RESPONSE/MEMORANDUM in Opposition filed by All Plaintiffs re <u>9 (p.802)</u> MOTION to Dismiss <i>Plaintiffs' Medical Monitoring Claims Pursuant to Federal Rule of Civil Procedure 12(B)(6)</i> , <u>8 (p.798)</u> MOTION to Dismiss <i>Medical Monitoring Claim</i> , <u>7 (p.786)</u> MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim Pursuant to Federal Rule of Civil Procedure 12(b)(6)</i> , <u>11 (p.814)</u> MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim Pursuant to Federal Rule of Civil Procedure 12(b)(6)</i> . (Sprague, Jeremiah) Modified on

		11/30/2011 to remove duplicate text (rll,). (Entered: 11/29/2011)
12/01/2011	<u>13 (p.825)</u>	Statement of Corporate Disclosure by Marathon Oil Company identifying Corporate Parent Marathon Oil Corporation for Marathon Oil Company (Pabst, Richard) (Entered: 12/01/2011)
12/01/2011	<u>14 (p.827)</u>	SCHEDULING ORDER: Final Pretrial Conference set for 11/15/2012 02:00 PM and Jury Trial set for 12/3/2012 08:30 AM before Chief Judge Sarah S. Vance. Signed by Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Pretrial Notice Form)(caa,) (Entered: 12/01/2011)
12/06/2011	<u>15 (p.841)</u>	Statement of Corporate Disclosure by BP America Production Company identifying Corporate Parents BP Company North America, Inc., BP Corporation North America Inc., BP America, Inc., BP Holdings North America Limited, BP PLC for BP America Production Company (Guillot, Gavin) Modified on 12/7/2011 to add corporate parents (rll,). (Entered: 12/06/2011)
12/07/2011	16	Correction of Docket Entry by Clerk re <u>15 (p.841)</u> Statement of Corporate Disclosure. Filing attorney did not enter BP Company North America, Inc., BP Corporation North America, Inc., BP America, Inc., BP Holdings North America Limited, BP PLC as corporate parents at the prompt 'Search for a corporate parent or other affiliate'. Clerk took corrective action. No further action is necessary. (rll,) Modified on 12/7/2011 to add additional corporate parents & regenerate NEF (rll,). (Entered: 12/07/2011)
12/07/2011	<u>17 (p.843)</u>	Statement of Corporate Disclosure by Shell Oil Company identifying Corporate Parent Royal Dutch Shell plc. for Shell Oil Company (Mollere, Chadwick) (Entered: 12/07/2011)
12/08/2011	<u>18 (p.845)</u>	Statement of Corporate Disclosure by Exxon Mobil Corporation identifying Corporate Parent Exxon Mobil for Exxon Mobil Corporation (Sercovich, Valeria) (Entered: 12/08/2011)
12/08/2011	<u>19 (p.847)</u>	Statement of Corporate Disclosure by Exxon Mobil Oil Corporation identifying Corporate Parents Mobil Corporation and Exxon Mobil Corporation for Exxon Mobil Oil Corporation (Sercovich, Valeria) Modified on 12/9/2011 to add additional corporate parent (rll,). (Entered: 12/08/2011)
12/08/2011	<u>20 (p.849)</u>	Statement of Corporate Disclosure by Humble Incorporated identifying Corporate Parent Exxon Mobil Corporation for Humble Incorporated (Sercovich, Valeria) (Entered: 12/08/2011)
12/09/2011	21	Correction of Docket Entry by Clerk re <u>19 (p.847)</u> Statement of Corporate Disclosure. Filing attorney did not enter Exxon Mobil Corporation as additional corporate parent at the prompt 'Search for a corporate parent or other affiliate'. Clerk took corrective action. No further action is necessary. (rll,) (Entered: 12/09/2011)
12/09/2011	<u>22 (p.851)</u>	Statement of Corporate Disclosure by Oxy USA Inc identifying Corporate Parent Occidental Petroleum Corporation, Corporate Parent OXY Oil & Gas Holding Corporation for Oxy USA Inc (Burr, Shannon) (Entered: 12/09/2011)
12/16/2011	<u>23 (p.853)</u>	ANSWER to <u>1 (p.446)</u> Notice of Removal,,, <i>Petition</i> by Marathon Oil Company.(Silbert, Julie) (Entered: 12/16/2011)
12/27/2011	<u>24 (p.864)</u>	Letter to the Court from Attorney John K. Etter dated 12/23/2011 re removal of attorney Roy J. Rodney, Jr. as attorney for Shell Oil Company (rll,)

		(Entered: 12/27/2011)
01/03/2012	<u>25 (p.865)</u>	EXPARTE/CONSENT MOTION to <i>Designate Trial Attorney</i> by Oxy USA Inc. (Attachments: # <u>1</u> Proposed Order)(Steele, Mary) Modified on 1/3/2012 to edit text (rll,). (Entered: 01/03/2012)
01/03/2012	<u>26 (p.868)</u>	ANSWER to <u>1 (p.446)</u> Notice of Removal,,,,, by Oxy USA Inc.(Steele, Mary) (Entered: 01/03/2012)
01/03/2012	<u>27 (p.885)</u>	EXPARTE/CONSENT MOTION for Extension of Deadlines to <i>Provide Rule 26 Initial Disclosures and Incorporated Memorandum in Support Thereof</i> by Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated. Motion(s) referred to Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Proposed Order)(Vandenweghe, Roland) Modified on 1/4/2012 to add referral (rll,). (Entered: 01/03/2012)
01/04/2012	<u>28 (p.889)</u>	ORDER granting <u>25 (p.865)</u> Motion to Designate Mary Margaret Steele as Trial Attorney. Signed by Chief Judge Sarah S. Vance on 1/4/2012. (rll,) (Entered: 01/04/2012)
01/04/2012	<u>29 (p.890)</u>	ORDER granting <u>27 (p.885)</u> Motion for Extension of Deadlines. Signed by Magistrate Judge Joseph C. Wilkinson, Jr. (car,) (Entered: 01/04/2012)
01/23/2012	<u>30 (p.891)</u>	Statement of Corporate Disclosure by Chevron USA Inc identifying Corporate Parent Texaco Inc, Corporate Parent Chevron Corporation, Corporate Parent Chevron U.S.A. Holdings, Inc., Corporate Parent Chevron Investments, Inc. for Chevron USA Inc (Grossman, Louis) Modified on 1/23/2012 to add corporate parents (rll,). (Entered: 01/23/2012)
01/23/2012	31	Correction of Docket Entry by Clerk re <u>30 (p.891)</u> Statement of Corporate Disclosure. Filing attorney did not enter Chevron Corporation, Chevron U.S.A. Holdings, Inc., Texaco Inc and Chevron Investments, Inc. as corporate parents at the prompt 'Search for a corporate parent or other affiliate'. Clerk took corrective action. No further action is necessary. (rll,) (Entered: 01/23/2012)
01/30/2012	<u>32 (p.893)</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Supplemental Memorandum in Further Support of Its Rule 12(b)(6) Motion to Dismiss Plaintiff's Medical Monitoring Claims</i> by Chevron USA Inc. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B)(Grossman, Louis) Modified on 1/31/2012 to remove referral & edit description of attachment (rll,). (Entered: 01/30/2012)
01/31/2012	33	Correction of Docket Entry by Clerk re <u>32 (p.893)</u> MOTION for Leave to File <i>Supplemental Memorandum in Further Support of Its Rule 12(b)(6) Motion to Dismiss Plaintiff's Medical Monitoring Claims</i> . Filing attorney incorrectly changed 'N' to 'Y' at the question 'Is this motion to be decided by the Magistrate Judge Y/N?'. This motion will be decided by the district judge. Clerk took corrective action. No further action is necessary. (rll,) (Entered: 01/31/2012)
02/02/2012	<u>34 (p.910)</u>	ORDER & REASONS granting dfts' <u>7 (p.786)</u> <u>8 (p.798)</u> <u>9 (p.802)</u> <u>11 (p.814)</u> Motion to Dismiss; the Court GRANTS pla's leave to amend his claim for medical monitoring within 10 days. Signed by Chief Judge Sarah S. Vance on 2/2/2012. (rll,) (Entered: 02/02/2012)
02/03/2012	<u>35 (p.917)</u>	

		EXPARTE/CONSENT MOTION to Substitute Attorney. Attorney Barbara L. Bossetta to be substituted in place of Shannon C. Burr by Oxy USA Inc. (Attachments: # <u>1</u> Proposed Order)(Burr, Shannon) Modified on 2/3/2012 to remove unnecessary event (rll,). (Entered: 02/03/2012)
02/03/2012	36	Correction of Docket Entry by Clerk re <u>35 (p.917)</u> MOTION to Enroll as Counsel of Record, Ex Parte MOTION to Substitute Attorney. Not necessary to select relief Motion to Enroll as Counsel of Record for this document. Only the relief Motion to Substitute Attorney is necessary. Clerk modified docket text. No further action is necessary. (rll,) (Entered: 02/03/2012)
02/09/2012	<u>37 (p.920)</u>	ORDER granting dft Chevron U.S.A. Inc.'s <u>32 (p.893)</u> Motion for Leave to File Supplemental Memorandum in Further Support of Its Rule 12(b)(6) Motion to Dismiss Plaintiff's Medical Monitoring Claims. Signed by Chief Judge Sarah S. Vance on 2/9/2012. (rll,) (Entered: 02/09/2012)
02/09/2012	<u>38 (p.921)</u>	Supplemental Memorandum in Further Support filed by Chevron USA Inc re <u>7 (p.786)</u> MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim Pursuant to Federal Rule of Civil Procedure 12(b)(6)</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(rll,) (Entered: 02/09/2012)
02/09/2012	<u>39 (p.935)</u>	ORDER granting <u>35 (p.917)</u> Motion to Substitute Attorney. Added attorney Barbara L. Bossetta for Oxy USA Inc. Attorney Shannon C. Burr terminated. Signed by Chief Judge Sarah S. Vance on 2/9/2012. (rll,) (Entered: 02/09/2012)
02/10/2012	<u>40 (p.936)</u>	First AMENDED COMPLAINT against All Defendants filed by Clarence Hill. (Attachments: # <u>1</u> Summons BP America Production Company, # <u>2</u> Summons Chevron U.S.A., Inc., # <u>3</u> Summons Exxon Mobil Corporation, # <u>4</u> Summons Exxon Mobil Oil, # <u>5</u> Summons Humble, Inc., # <u>6</u> Summons Marathon, Inc., # <u>7</u> Summons Oxy, Inc., # <u>8</u> Summons Shell Oil Company)(Sprague, Jeremiah) (Entered: 02/10/2012)
02/10/2012	<u>41 (p.960)</u>	Summons Issued as to All Defendants. (Attachments: # <u>1</u> Summons to Chevron USA Inc, # <u>2</u> Summons to Exxon Mobil Corporation, # <u>3</u> Summons to Exxon Mobil Oil, # <u>4</u> Summons to Humble Inc, # <u>5</u> Summons to Marathon Oil, # <u>6</u> Summons to Oxy Inc, # <u>7</u> Summons to Shell Oil Company)(rll,) (Entered: 02/10/2012)
02/22/2012	<u>42 (p.976)</u>	EXPARTE/CONSENT MOTION for Extension of Time to Answer re <u>40 (p.936)</u> Amended Complaint by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order)(Grossman, Louis) Modified on 2/23/2012 to add link (rll,). (Entered: 02/22/2012)
02/23/2012	43	Correction of Docket Entry by Clerk re <u>42 (p.976)</u> MOTION for Extension of Time to Answer. Filing attorney incorrectly associated themselves with a party they do not represent. When filing a joint motion, check or uncheck the appropriate box when prompted 'The following attorney/party associations do not exist for the above case(s). Please check the box on the left of the screen for associations which should be created. If the association should not be created, be sure the box is unchecked. Clerk has deleted attorney from party they do not represent. Document should have been linked to another document by checking the box 'Should the document you are filing link to another document' or by selecting a related document on other appropriate screen.

		Clerk took corrective action by linking document to document #40. No further action is necessary. (rll,) (Entered: 02/23/2012)
02/27/2012	<u>44 (p.981)</u>	ORDER granting <u>42 (p.976)</u> Motion for Extension of Time to Answer re <u>40 (p.936)</u> Amended Complaint as to All Defendants until 3/16/2012. Signed by Chief Judge Sarah S. Vance on 2/27/2012. (rll,) (Entered: 02/27/2012)
03/08/2012	<u>45 (p.982)</u>	ERROR: DUPLICATE OF DOC #46. EXPARTE/CONSENT MOTION to Compel <i>Responses to Joint Master Discovery Requests</i> by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. Motion(s) referred to Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Request for Oral Argument, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C)(Grossman, Louis) Modified on 3/9/2012 (rll,). (Entered: 03/08/2012)
03/08/2012	<u>46 (p.1040)</u>	MOTION to Compel <i>Responses to Joint Master Discovery Requests</i> by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 3/28/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson Jr.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Rule 37.1 Certificate, # <u>6</u> Notice of Submission)(Grossman, Louis) (Entered: 03/08/2012)
03/08/2012	<u>47 (p.1097)</u>	Request/Statement of Oral Argument by All Defendants regarding <u>46 (p.1040)</u> MOTION to Compel <i>Responses to Joint Master Discovery Requests</i> (Grossman, Louis) (Entered: 03/08/2012)
03/09/2012	48	Correction of Docket Entry by Clerk re <u>45 (p.982)</u> MOTION to Compel <i>Responses to Joint Master Discovery Requests</i> . This is a duplicate filing of document #46 and will be noted as such. No further action is necessary. (rll,) (Entered: 03/09/2012)
03/09/2012	<u>49 (p.1101)</u>	ORDER Setting/Resetting oral argument on <u>46 (p.1040)</u> MOTION to Compel <i>Responses to Joint Master Discovery Requests</i> : Motion set for 3/28/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson Jr. Signed by Magistrate Judge Joseph C. Wilkinson, Jr.(car,) (Entered: 03/09/2012)
03/16/2012	<u>50 (p.1102)</u>	MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim under Bourgeois v. A.P. Green</i> by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. Motion set for 4/11/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission)(Phillips, Michael) (Entered: 03/16/2012)
03/20/2012	<u>51 (p.1121)</u>	<i>Affirmative Defenses and ANSWER</i> to <u>40 (p.936)</u> Amended Complaint, by Marathon Oil Company.(Pabst, Richard) (Entered: 03/20/2012)
03/27/2012	<u>52 (p.1124)</u>	ORDER granting in part and dismissing as moot in part <u>46 (p.1040)</u> Motion to Compel. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 3/27/2012. (caa,) (Entered: 03/27/2012)
04/03/2012	<u>53 (p.1126)</u>	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>50 (p.1102)</u> MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim under Bourgeois v. A.P. Green</i> . (Sprague, Jeremiah) (Entered: 04/03/2012)

04/05/2012	<u>54</u> <u>(p.1133)</u>	Request/Statement of Oral Argument by Clarence Hill regarding <u>50 (p.1102)</u> MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim under Bourgeois v. A.P. Green</i> (Sprague, Jeremiah) (Entered: 04/05/2012)
04/09/2012	<u>55</u> <u>(p.1135)</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Supplemental Memorandum in Further Support of Defendants' Rule 12(b)(6) Motion to Dismiss Plaintiff's Medical Monitoring Claims under Bourgeois v. A.P. Green Industries</i> by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Grossman, Louis) (Entered: 04/09/2012)
04/10/2012	<u>56</u> <u>(p.1148)</u>	SUMMONS Returned Executed; Shell Oil Company served on 3/1/2012, answer due 3/22/2012. (Falcon, Timothy) (Entered: 04/10/2012)
04/10/2012	<u>57</u> <u>(p.1150)</u>	SUMMONS Returned Executed; Chevron USA Inc served on 3/1/2012, answer due 3/22/2012. (Falcon, Timothy) (Entered: 04/10/2012)
04/10/2012	<u>58</u> <u>(p.1152)</u>	SUMMONS Returned Executed; Exxon Mobil Corporation served on 3/1/2012, answer due 3/22/2012. (Falcon, Timothy) (Entered: 04/10/2012)
04/10/2012	<u>59</u> <u>(p.1154)</u>	SUMMONS Returned Executed; Exxon Mobil Oil Corporation served on 3/1/2012, answer due 3/22/2012. (Falcon, Timothy) (Entered: 04/10/2012)
04/10/2012	<u>60</u> <u>(p.1156)</u>	SUMMONS Returned Executed; Humble Incorporated served on 3/1/2012, answer due 3/22/2012. (Falcon, Timothy) (Entered: 04/10/2012)
04/10/2012	<u>61</u> <u>(p.1158)</u>	SUMMONS Returned Executed; Marathon Oil Company served on 3/1/2012, answer due 3/22/2012. (Falcon, Timothy) (Entered: 04/10/2012)
04/10/2012	<u>62</u> <u>(p.1160)</u>	ORDER granting <u>54 (p.1133)</u> Request/Statement of Oral Argument filed by Clarence re <u>50 (p.1102)</u> MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim under Bourgeois v. A.P. Green</i> : Motion set for 4/25/2012 10:00 AM before Chief Judge Sarah S. Vance with oral argument. Signed by Chief Judge Sarah S. Vance on 4/10/2012.(rll,) (Entered: 04/10/2012)
04/10/2012	<u>63</u> <u>(p.1161)</u>	ORDER granting <u>55 (p.1135)</u> Motion for Leave to File Supplemental Memorandum in Further Support of Defendants' Rule 12(b)(6) Motion to Dismiss Plaintiff's Medical Monitoring Claims under Bourgeois v. A.P. Green Industries. Signed by Chief Judge Sarah S. Vance on 4/10/2012. (rll,) (Entered: 04/10/2012)
04/10/2012	<u>64</u> <u>(p.1162)</u>	Supplemental Memorandum in Support filed by All Defendants re <u>50 (p.1102)</u> MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim under Bourgeois v. A.P. Green</i> . (rll,) (Entered: 04/10/2012)
04/20/2012	<u>65</u> <u>(p.1170)</u>	EXPARTE/CONSENT MOTION to Enroll as Counsel of Record <i>Frank M. Buck, Jr.</i> by Clarence Hill. (Attachments: # <u>1</u> Proposed Order)(Sprague, Jeremiah) Modified on 4/23/2012 to edit text (rll,). (Entered: 04/20/2012)
04/24/2012	<u>66</u> <u>(p.1173)</u>	MOTION to Withdraw <i>Certain Admitted Responses to Defendants' Requests for Admissions</i> by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 5/9/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Submission, # <u>3</u> Memorandum in Support, # <u>4</u> Exhibit)(Sprague, Jeremiah) Modified on 4/25/2012 to edit text & correct hearing officer (rll,). (Entered: 04/24/2012)

04/25/2012	<u>67</u> (p.1241)	Minute Entry for proceedings held before Chief Judge Sarah S. Vance: Motion Hearing held on 4/25/2012 re <u>50 (p.1102)</u> MOTION to Dismiss <i>Plaintiff's Medical Monitoring Claim under Bourgeois v. A.P. Green</i> filed by Shell Oil Company, BP America Production Company, Chevron USA Inc, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Exxon Mobil Corporation, Oxy USA Inc: motion argued & submitted. (Court Reporter Jodi Simcox.) (rll,) (Entered: 04/25/2012)
04/25/2012	68	Correction of Docket Entry by Clerk re <u>66 (p.1173)</u> MOTION to Withdraw Document. Filing attorney selected incorrect judicial officer for submission/hearing. When setting a motion for submission/hearing there is a reminder message 'Be sure to select the correct Judge or Magistrate Judge:'. Motion is to be heard before Magistrate Judge Joseph C. Wilkinson, Jr. Clerk took corrective action. No further action is necessary. (rll,) (Entered: 04/25/2012)
04/27/2012	<u>69</u> (p.1242)	ORDER granting <u>65 (p.1170)</u> Motion to Enroll as Counsel of Record for Attorney Frank M. Buck, Jr for Clarence Hill. Signed by Chief Judge Sarah S. Vance on 4/27/2012. (rll,) (Entered: 04/27/2012)
05/01/2012	<u>70</u> (p.1243)	RESPONSE/MEMORANDUM in Opposition filed by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Shell Oil Company re <u>66 (p.1173)</u> MOTION to Withdraw Document <i>Certain Admitted Responses to Defendants' Request for Admissions</i> . (Grossman, Louis) (Entered: 05/01/2012)
05/02/2012	<u>71</u> (p.1253)	EXPARTE/CONSENT MOTION to Substitute Attorney. Attorney Gerald J. Huffman, Jr. to be substituted in place of Edward L. Fenasci by Oxy USA Inc. (Attachments: # <u>1</u> Proposed Order)(Huffman, Gerald) (Entered: 05/02/2012)
05/02/2012	<u>72</u> (p.1256)	RESPONSE/MEMORANDUM in Opposition filed by Oxy USA Inc re <u>66 (p.1173)</u> MOTION to Withdraw Document . (Huffman, Gerald) (Entered: 05/02/2012)
05/03/2012	<u>73</u> (p.1258)	ORDER granting <u>71 (p.1253)</u> Motion to Substitute Attorney Gerald J. Huffman, Jr. in place of Edward L. Fenasci. Attorney Edward L. Fenasci terminated. Signed by Chief Judge Sarah S. Vance on 5/3/2012. (rll,) (Entered: 05/03/2012)
05/09/2012	<u>74</u> (p.1259)	ORDER granting <u>66 (p.1173)</u> Motion for Leave to Withdraw Certain Admitted Responses to Defendants' Requests for Admissions, subject to the reservation of defendants' rights contained herein. Signed by Magistrate Judge Joseph C. Wilkinson, Jr. (car,) (Entered: 05/09/2012)
05/18/2012	<u>75</u> (p.1263)	ORDER & REASONS granting dfts' <u>50 (p.1102)</u> Motion to Dismiss pla's medical monitoring claim as set forth in document. Signed by Chief Judge Sarah S. Vance on 5/18/2012. (rll,) (Entered: 05/18/2012)
06/01/2012	<u>76</u> (p.1273)	ANSWER to <u>40 (p.936)</u> Amended Complaint, by Shell Oil Company.(Mollere, Chadwick) (Entered: 06/01/2012)
06/07/2012	<u>77</u> (p.1277)	ANSWER to <u>40 (p.936)</u> Amended Complaint, with Jury Demand by Chevron USA Inc.(Grossman, Louis) (Entered: 06/07/2012)
06/21/2012	<u>78</u> (p.1293)	EXPARTE/CONSENT MOTION to Enroll as Additional Counsel of Record <i>Frances McGinnis</i> by Oxy USA Inc. (Attachments: # <u>1</u> Proposed

		Order)(McGinnis, Frances) Modified on 6/22/2012 to edit text (rll,). (Entered: 06/21/2012)
06/22/2012	<u>79</u> (p.1296)	ANSWER to <u>40</u> (p.936) Amended Complaint, with Jury Demand by Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated.(Sercovich, Valeria) (Entered: 06/22/2012)
06/26/2012	<u>80</u> (p.1304)	ORDER granting <u>78</u> (p.1293) Motion to Enroll Frances McGinnis as Counsel of Record. Signed by Chief Judge Sarah S. Vance on 6/26/12. (jjs,) (Entered: 06/26/2012)
07/26/2012	<u>81</u> (p.1305)	DEFICIENT: MOTION for Leave to File <i>Second Amending Complaint</i> by Clarence Hill. Motion set for 8/15/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support of Plaintiff's Motion for Leave to File Second Amending Complaint, # <u>3</u> Proposed Pleading Second Amending Complaint, # <u>4</u> Notice of Submission)(Sprague, Jeremiah) Modified on 7/27/2012 (lag,). (Entered: 07/26/2012)
07/27/2012		NOTICE OF DEFICIENT DOCUMENT: re <u>81</u> (p.1305) Motion for Leave to File Document,. Reason(s) of deficiency: Statement stating objection or no objection by opposing party not provided. (If motion is opposed, it must be referred and set for submission before the Magistrate Judge.) For corrective information, see section(s) D10 on http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm Attention: Document must be refiled in its entirety within seven(7) calendar days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 8/3/2012. (lag,) (Entered: 07/27/2012)
07/27/2012	<u>82</u> (p.1313)	MOTION for Leave to File <i>Second Amending Complaint</i> by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 8/15/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson Jr.. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support of Motion for Leave to File Second Amending Complaint, # <u>3</u> Proposed Pleading Second Amending Complaint, # <u>4</u> Notice of Submission)(Sprague, Jeremiah) (Entered: 07/27/2012)
08/07/2012	<u>83</u> (p.1322)	RESPONSE/MEMORANDUM in Opposition filed by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Oxy USA Inc, Shell Oil Company re <u>82</u> (p.1313) MOTION for Leave to File <i>Second Amending Complaint</i> . (Grossman, Louis) (Entered: 08/07/2012)
08/08/2012	<u>84</u> (p.1329)	MOTION to Compel <i>Supplemental Disclosure Information and Depositions</i> by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 8/29/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson Jr.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Rule 37 Certificate, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D)(Grossman, Louis) (Entered: 08/08/2012)
08/08/2012	<u>85</u> (p.1432)	Request/Statement of Oral Argument by All Defendants regarding <u>84</u> (p.1329) MOTION to Compel <i>Supplemental Disclosure Information and Depositions</i> (Grossman, Louis) (Entered: 08/08/2012)

08/10/2012	<u>86</u> (p.1436)	Request/Statement of Oral Argument by All Plaintiffs regarding <u>82 (p.1313)</u> MOTION for Leave to File <i>Second Amending Complaint</i> (Sprague, Jeremiah) (Entered: 08/10/2012)
08/10/2012	<u>87</u> (p.1438)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum in Support of Motion for Leave to File Second Amending Complaint</i> by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading Plaintiff's Reply Memorandum in Support of Motion for Leave to File Second Amending Complaint)(Sprague, Jeremiah) Modified on 8/13/2012 (lag,). (Entered: 08/10/2012)
08/10/2012	<u>88</u> (p.1445)	ORDER granting <u>85 (p.1432)</u> Request/Statement of Oral Argument filed by Shell Oil Company, BP America Production Company, Chevron USA Inc, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Exxon Mobil Corporation, Oxy USA Inc. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 8/10/2012.(caa,) (Entered: 08/10/2012)
08/13/2012	<u>89</u> (p.1446)	ORDER granting <u>86 (p.1436)</u> Request/Statement of Oral Argument re <u>82 (p.1313)</u> MOTION for Leave to File <i>Second Amending Complaint</i> filed by Clarence Hill. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 8/13/2012.(caa,) (Entered: 08/13/2012)
08/13/2012	<u>90</u> (p.1447)	ORDER granting <u>87 (p.1438)</u> Motion for Leave to File Reply Memorandum. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 8/13/2012. (caa,) (Entered: 08/13/2012)
08/13/2012	<u>91</u> (p.1448)	REPLY to Response to Motion filed by Clarence Hill re <u>82 (p.1313)</u> MOTION for Leave to File <i>Second Amending Complaint</i> . (caa,) (Entered: 08/13/2012)
08/15/2012	<u>92</u> (p.1452)	Minute Order. Proceedings held before Magistrate Judge Joseph C. Wilkinson, Jr: Hearing on plaintiff's <u>82 (p.1313)</u> Motion for Leave to File Second Amending Complaint was held on 8/15/2012. The motion is DENIED WITHOUT PREJUDICE, to REURGING if the trial date is continued. (tbl) (Entered: 08/15/2012)
08/21/2012	<u>93</u> (p.1454)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>84 (p.1329)</u> MOTION to Compel <i>Supplemental Disclosure Information and Depositions</i> . (Buck, Frank) (Entered: 08/21/2012)
08/21/2012	<u>94</u> (p.1459)	Request/Statement of Oral Argument by Clarence Hill regarding <u>84 (p.1329)</u> MOTION to Compel <i>Supplemental Disclosure Information and Depositions</i> (Attachments: # <u>1</u> Proposed Order)(Buck, Frank) (Entered: 08/21/2012)
08/22/2012	<u>95</u> (p.1462)	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice of <i>Christie L. Cardon</i> (Filing fee \$ 100 receipt number 053L-3637241) by Chevron USA Inc. (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Statement under Oath)(Phillips, Michael) (Additional attachment(s) added on 8/24/2012: # <u>3</u> Proposed Order) (lag,). (Entered: 08/22/2012)
08/22/2012	<u>96</u> (p.1469)	ORDER granting defendants' request for oral argument on <u>84 (p.1329)</u> MOTION to Compel <i>Supplemental Disclosure Information and Depositions</i> : Motion set for oral argument 8/29/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson Jr.. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 8/22/12.(tbl) (Entered: 08/22/2012)
08/22/2012		

	<u>97</u> (p.1470)	EXPARTE/CONSENT MOTION for Leave to File <i>Supplemental Memorandum in Further Support of Defendants' Motion to Compel</i> by BP America Production Company, Chevron USA Inc, Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. Motion referred to Magistrate Joseph C. Wilkinson Jr. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Grossman, Louis) Modified on 8/23/2012 (lag,). (Entered: 08/22/2012)
08/27/2012	<u>98</u> (p.1480)	ORDER granting <u>95</u> (p.1462) Motion to Appear Pro Hac Vice as to Christie L. Cardon.. Signed by Chief Judge Sarah S. Vance on 8/27/12. (jjs,) (Entered: 08/27/2012)
08/27/2012	<u>99</u> (p.1481)	ORDER Resetting ORAL ARGUMENT on <u>84</u> (p.1329) MOTION to Compel <i>Supplemental Disclosure Information and Depositions</i> for 9/5/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson Jr. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 8/27/12.(sek,) (Entered: 08/27/2012)
08/27/2012	<u>100</u> (p.1482)	ORDER granting <u>97</u> (p.1470) Motion for Leave to File Supplemental Memorandum in Further Support of Defendants' Motion to Compel. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 8/27/12. (tbl) (Entered: 08/27/2012)
08/27/2012	<u>101</u> (p.1483)	Supplemental Memorandum filed by All Defendants in further support of Defendants' <u>84</u> (p.1329) MOTION to Compel <i>Supplemental Disclosure Information and Depositions</i> . (tbl) (Entered: 08/27/2012)
09/05/2012	<u>102</u> (p.1488)	Minute Order. Proceedings held before Magistrate Judge Joseph C. Wilkinson, Jr on Defendants' Motion to Compel Supplemental Disclosure Information and Depositions, Record Doc. No. 84. The motion is GRANTED IN PART AND DENIED IN PART. IT IS ORDERED that no later than September 17, 2012, plaintiff must provide defendants with supplemental Rule 26(a)(1) disclosures providing the information set forth herein. IT IS FURTHER ORDERED that the depositions of Earl Battle and Mose Lloyd will be conducted at 10:00 a.m. and 1:00 p.m. on September 19, 2012 at the office of plaintiff's counsel, Timothy Falcon of Falcon Law Firm. In all other respects, the motion is denied. (tbl) (Entered: 09/05/2012)
09/06/2012	<u>103</u> (p.1490)	<i>Answer and Affirmative Defenses</i> ANSWER to <u>40</u> (p.936) Amended Complaint, with Jury Demand by Oxy USA Inc.(Huffman, Gerald) (Entered: 09/06/2012)
09/10/2012	<u>104</u> (p.1494)	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice of <i>Ralph H. Johnson</i> (Filing fee \$ 100 receipt number 053L-3652729) by Chevron USA Inc. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Certificate of Good Standing, # <u>3</u> Proposed Order)(Phillips, Michael) (Entered: 09/10/2012)
09/14/2012	<u>105</u> (p.1501)	ORDER granting <u>104</u> (p.1494) Motion to Appear Pro Hac Vice as to Ralph H. Johnson.. Signed by Chief Judge Sarah S. Vance on 9/14/12. (jjs,) (Entered: 09/14/2012)
09/17/2012	<u>106</u> (p.1502)	Witness List by Chevron USA Inc. (Phillips, Michael) (Entered: 09/17/2012)
09/17/2012	<u>107</u> (p.1511)	Witness and Exhibit List by Marathon Oil Company. (Pabst, Richard) (Entered: 09/17/2012)

09/17/2012	<u>108</u> (p.1523)	RESPONSE to Discovery Request by Clarence Hill.(Sprague, Jeremiah) (Entered: 09/17/2012)
09/17/2012	<u>109</u> (p.1526)	Exhibit List by Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated. (Attachments: # <u>1</u> Exhibit)(Pilie, Glen) (Entered: 09/17/2012)
09/17/2012	<u>110</u> (p.1555)	Witness List by Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Humble Incorporated. (Pilie, Glen) (Entered: 09/17/2012)
09/17/2012	<u>111</u> (p.1563)	Exhibit List by Chevron USA Inc. (Phillips, Michael) (Entered: 09/17/2012)
09/17/2012	<u>112</u> (p.1574)	Witness and Exhibit List by Oxy USA Inc. (Huffman, Gerald) (Entered: 09/17/2012)
09/17/2012	<u>113</u> (p.1582)	Witness List by Shell Oil Company. (Mollere, Chadwick) (Entered: 09/17/2012)
09/17/2012	<u>114</u> (p.1592)	Exhibit List by BP America Production Company. (Guillot, Gavin) (Entered: 09/17/2012)
09/17/2012	<u>115</u> (p.1595)	Witness List by BP America Production Company. (Guillot, Gavin) (Entered: 09/17/2012)
09/17/2012	<u>116</u> (p.1602)	Exhibit List by Shell Oil Company. (Mollere, Chadwick) (Entered: 09/17/2012)
09/17/2012	<u>117</u> (p.1616)	Witness List by Clarence Hill. (Sprague, Jeremiah) (Entered: 09/17/2012)
09/17/2012	<u>118</u> (p.1621)	Exhibit List by Clarence Hill. (Sprague, Jeremiah) (Entered: 09/17/2012)
09/18/2012	119	Correction of Docket Entry by Clerk re <u>112</u> (p.1574) Witness and Exhibit List. Name of attorney who electronically filed this document does not match name of signatory attorney on pleading. The user log-in and password serve as the required signature for purposes of Rule 11 of the FRCP. No further action is necessary. (mmm) (Entered: 09/18/2012)
09/18/2012	<u>120</u> (p.1690)	ANSWER to <u>40</u> (p.936) 1st Amended Complaint, by BP America Production Company.(Guillot, Gavin) (Entered: 09/18/2012)
09/20/2012	<u>121</u> (p.1694)	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice of <i>Carol M. Wood</i> (Filing fee \$ 100 receipt number 053L-3665493) by Chevron USA Inc. (Attachments: # <u>1</u> Certificate(s) of Good Standing, # <u>2</u> Statement under Oath, # <u>3</u> Proposed Order)(Phillips, Michael) (Entered: 09/20/2012)
09/21/2012	<u>122</u> (p.1702)	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice of <i>Robert E. Meadows</i> (Filing fee \$ 100 receipt number 053L-3666866) by Chevron USA Inc. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Statement under Oath, # <u>3</u> Certificate(s) of Good Standing)(Phillips, Michael) (Entered: 09/21/2012)
09/21/2012	<u>123</u> (p.1710)	ORDER granting <u>121</u> (p.1694) Motion to Appear Pro Hac Vice as to Carol M. Wood. Signed by Chief Judge Sarah S. Vance on 9/21/2012. (mmm) (Entered: 09/24/2012)
09/24/2012	<u>124</u> (p.1711)	DEFICIENT: MOTION to Expedite by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 9/24/2012 03:00 PM before

		Magistrate Judge Joseph C. Wilkinson Jr.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission)(Buck, Frank) Modified on 9/24/2012 (mmm). (Entered: 09/24/2012)
09/24/2012	<u>125</u> (p.1716)	DEFICIENT: MOTION to Quash by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 9/24/2012 03:00 PM before Magistrate Judge Joseph C. Wilkinson Jr. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Notice of Submission)(Buck, Frank) Modified on 9/24/2012 (mmm). (Entered: 09/24/2012)
09/24/2012	<u>126</u> (p.1742)	MOTION to Continue <i>Trial</i> by Clarence Hill. Motion set for 10/10/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Notice of Submission)(Sprague, Jeremiah) (Entered: 09/24/2012)
09/24/2012	<u>127</u> (p.1750)	Request/Statement of Oral Argument by Clarence Hill regarding <u>126</u> (p.1742) MOTION to Continue <i>Trial</i> (Sprague, Jeremiah) (Entered: 09/24/2012)
09/24/2012	<u>128</u> (p.1751)	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice of <i>Howard E. Jarvis</i> (Filing fee \$ 100 receipt number 053L-3668568) by Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Clarence Hill. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Proposed Order)(Pilie, Glen) (Entered: 09/24/2012)
09/24/2012		NOTICE OF DEFICIENT DOCUMENT: re <u>124</u> (p.1711) Motion to Expedite. Reason(s) of deficiency: Incorrect, illegible or incomplete document or improper formatting of PDF. 1. Documents' signature line & certificate of service are blank. All future documents must reflect either an original signature or an electronic signature of the filing attorney following the format 's/ (attorney name)'. 2. Filing attorney should have selected 'Yes' at the question 'Is this an Exparte/Consent Motion Y/N?' before clicking the Next button. A Motion to Expedite is not set for submission. 3. Proposed order not provided. 4. Also, when refile, please refile Motion to Quash first, then file Motion to Expedite. For corrective information, see section(s) D01 on http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm Attention: Document must be refiled in its entirety within seven(7) calendar days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 10/1/2012. (mmm) (Entered: 09/24/2012)
09/24/2012		NOTICE OF DEFICIENT DOCUMENT: re <u>125</u> (p.1716) Motion to Quash. 1. Documents' signature line & certificate of service are blank. All future documents must reflect either an original signature or an electronic signature of the filing attorney following the format 's/ (attorney name)'. 2. Notice of Submission is incomplete and date is invalid. Notice must contain valid hearing date and time. Please refer to LAED website for valid hearing date/time. 3. Also, when refile, please refile Motion to Quash first, then refile Motion to Expedite. Reason(s) of deficiency: Incorrect, illegible or incomplete document or improper formatting of PDF. For corrective information, see section(s) D01 on http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm Attention: Document must be refiled in its entirety within seven(7) calendar days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 10/1/2012. (mmm) (Entered: 09/24/2012)
09/24/2012	<u>129</u> (p.1758)	MOTION to Quash by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 10/10/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson Jr.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u>

		Exhibit, # <u>3</u> Exhibit, # <u>4</u> Notice of Submission)(Buck, Frank) (Entered: 09/24/2012)
09/24/2012	<u>130</u> (p.1784)	EXPARTE/CONSENT MOTION to Expedite by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Buck, Frank) (Entered: 09/24/2012)
09/24/2012	<u>131</u> (p.1789)	EXPARTE/CONSENT MOTION to Expedite <i>Hearing on Plaintiff's Motion to Continue December 3, 2012 Trial</i> by Clarence Hill. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support of Motion for Expedited Hearing)(Sprague, Jeremiah) (Entered: 09/24/2012)
09/24/2012	<u>132</u> (p.1794)	RESPONSE/MEMORANDUM in Opposition filed by All Defendants re <u>129</u> (p.1758) MOTION to Quash . (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Grossman, Louis) (Entered: 09/24/2012)
09/25/2012	<u>133</u> (p.1812)	EXPARTE/CONSENT Joint MOTION to Dismiss Party Exxon Mobil Corporation, ExxonMobil Oil Corporation, and Humble Incorporated by Exxon Mobil Corporation, Exxon Mobil Oil Corporation, Clarence Hill, Humble Incorporated. (Attachments: # <u>1</u> Proposed Order)(Sercovich, Valeria) (Entered: 09/25/2012)
09/25/2012	<u>134</u> (p.1816)	ORDER granting <u>130</u> (p.1784) Motion to Expedite. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 9/25/2012. (caa,) (Entered: 09/25/2012)
09/26/2012	<u>135</u> (p.1817)	ORDER dismissing as moot <u>129</u> (p.1758) Motion to Quash. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 9/25/2012. (caa,) (Entered: 09/26/2012)
09/26/2012	<u>136</u> (p.1818)	ORDER granting <u>128</u> (p.1751) Motion to Appear Pro Hac Vice as to Howard E. Jarvis.. Signed by Chief Judge Sarah S. Vance on 9/26/12. (jjs,) (Entered: 09/26/2012)
09/27/2012	<u>137</u> (p.1819)	EXPARTE/CONSENT MOTION for Extension of Deadlines <i>to File Non-Evidentiary Pre-Trial Motions, to Reset November 15, 2012 Pre-Trial Conference and</i> , First MOTION for Extension of Time to Complete Discovery <i>filed</i> by BP America Production Company, Chevron USA Inc, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Johnson, Mary) Modified text on 9/27/2012 (mmm). (Entered: 09/27/2012)
09/27/2012	<u>138</u> (p.1831)	EXPARTE/CONSENT MOTION to Expedite <i>Consideration of Motion to Extend Deadline to Complete Discovery, to Extend Deadline to file Non-Evidentiary Pre-Trial Motions and to Reset November 15, 2012 Pre-Trial Conference (Doc. 137) filed</i> by BP America Production Company, Chevron USA Inc, Marathon Oil Company, Oxy USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Johnson, Mary) Modified text on 9/27/2012 (mmm). (Entered: 09/27/2012)
10/01/2012	<u>139</u> (p.1841)	ORDER granting <u>122</u> (p.1702) Motion to Appear Pro Hac Vice as to Robert E. Meadows.. Signed by Chief Judge Sarah S. Vance on 9/28/12. (jjs,) (Entered: 10/01/2012)
10/01/2012	<u>140</u> (p.1842)	ORDER granting <u>133</u> (p.1812) Motion to Dismiss Party. Party Humble Incorporated, Exxon Mobil Corporation and Exxon Mobil Oil Corporation dismissed. Signed by Chief Judge Sarah S. Vance on 9/28/12. (jjs,) (Entered: 10/01/2012)

		10/01/2012)
10/02/2012	<u>141</u> (p.1843)	RESPONSE/MEMORANDUM in Opposition filed by Chevron USA Inc re <u>126 (p.1742)</u> MOTION to Continue <i>Trial</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Grossman, Louis) (Entered: 10/02/2012)
10/02/2012	<u>142</u> (p.1886)	RESPONSE/MEMORANDUM in Opposition filed by BP America Production Company, Marathon Oil Company, Oxy USA Inc, Shell Oil Company re <u>126 (p.1742)</u> MOTION to Continue <i>Trial</i> . (Barrios, Bettye) (Entered: 10/02/2012)
10/02/2012	<u>143</u> (p.1891)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>138 (p.1831)</u> MOTION to Expedite <i>Consideration of Motion to Extend Deadline to Complete Discovery, to Extend Deadline to file Non-Evidentiary Pre-Trial Motions and to Reset November 15, 2012 Pre-Trial Conference (Doc. 137) filed</i> . (Sprague, Jeremiah) (Entered: 10/02/2012)
10/03/2012	<u>144</u> (p.1895)	ORDER Status Conference set for 10/11/2012 02:00 PM before Chief Judge Sarah S. Vance. The parties are ordered to submit to the Court by Friday October 5, 2012: (1) a three paragraph summary of their claims and (2) the names and areas of expertise of the experts they plan to call. Finally, the parties should be prepared to discuss all pretrial scheduling issues. Except as addressed herein, the motions pertaining to scheduling are DENIED. Signed by Chief Judge Sarah S. Vance on 10/3/12.(jjs,) (Entered: 10/03/2012)
10/04/2012	<u>145</u> (p.1896)	Letter to Judge Vance from Counsel for Marathon Oil, BP America and OXY dated 10/4/12 re: settlement of claims. (jjs,) (Entered: 10/04/2012)
10/05/2012	<u>146</u> (p.10872)	TRANSCRIPT of Hearing on Motion to Amend held on August 15, 2012 before Judge Joseph Wilkinson. Court Reporter/Recorder Arlene Movahed, Telephone number 504-589-7777. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 21 days from the filing of this transcript to file with the Court a Redaction Request. Release of Transcript Restriction set for 1/3/2013. (rsg) (Entered: 10/05/2012)
10/05/2012	<u>147</u> (p.1898)	Response/Reply by Chevron USA Inc, Shell Oil Company to <u>144 (p.1895)</u> Order, Set Hearings,, (Grossman, Louis) (Entered: 10/05/2012)
10/05/2012	<u>148</u> (p.1904)	Response/Reply by All Plaintiffs to <u>144 (p.1895)</u> Order, Set Hearings,, (Sprague, Jeremiah) (Entered: 10/05/2012)
10/09/2012	<u>149</u> (p.1908)	Joint MOTION to Exclude <i>Testimony and Expert Report of Ronald McLendon</i> by Chevron USA Inc, Shell Oil Company. Motion set for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exh. A, # <u>3</u> Exh. B, # <u>4</u> Exh. C, # <u>5</u> Exh. D, # <u>6</u> Request)(Grossman, Louis) (Additional attachment(s) added on 10/10/2012: # <u>7</u> Notice of Submission (Civil Only)) (mmm). Modified on 10/10/2012: Request for Oral Argument filed separately, see Doc. 150 (mmm). (Entered: 10/09/2012)
10/09/2012	<u>150</u> (p.1980)	Request/Statement of Oral Argument by Chevron USA Inc, Shell Oil Company regarding <u>149 (p.1908)</u> Joint MOTION to Exclude <i>Testimony and Expert Report of Ronald McLendon</i> . (Grossman, Louis) (Entered: 10/09/2012)

10/09/2012	<u>151</u> (p.1983)	MOTION for Summary Judgment <i>on Individual Causation</i> by Chevron USA Inc, Shell Oil Company. Motion set for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Contested/Uncontested Facts, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C_part 1, # <u>6</u> Exhibit C_part 2, # <u>7</u> Exhibit C_part 3, # <u>8</u> Exhibit C_part 4, # <u>9</u> Exhibit C_part 5, # <u>10</u> Exhibit C_part 6, # <u>11</u> Exhibit D, # <u>12</u> Exhibit E, # <u>13</u> Exhibit F, # <u>14</u> Exhibit G, # <u>15</u> Exhibit H, # <u>16</u> Exhibit I, # <u>17</u> Exhibit J, # <u>18</u> Exhibit K, # <u>19</u> Notice of Submission)(Mollere, Chadwick) (Entered: 10/09/2012)
10/09/2012	<u>152</u> (p.2367)	Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> by Chevron USA Inc, Shell Oil Company. Motion set for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Notice of Submission)(Johnson, Mary) (Entered: 10/09/2012)
10/09/2012	<u>153</u> (p.2746)	Request/Statement of Oral Argument by Chevron USA Inc, Shell Oil Company regarding <u>152</u> (p.2367) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> (Johnson, Mary) (Entered: 10/09/2012)
10/09/2012	<u>154</u> (p.2749)	Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Bertha Daniels, M.D.</i> by Chevron USA Inc, Shell Oil Company. Motion set for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Notice of Submission)(Johnson, Mary) (Entered: 10/09/2012)
10/09/2012	<u>155</u> (p.2958)	Request/Statement of Oral Argument by Chevron USA Inc, Shell Oil Company regarding <u>154</u> (p.2749) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Bertha Daniels, M.D.</i> (Johnson, Mary) (Entered: 10/09/2012)
10/09/2012	<u>156</u> (p.2961)	Statement by Chevron USA Inc, Shell Oil Company <i>Supplementing Joint Response to 144</i> (p.1895) <i>Order Dated 10/3/2012</i> (Grossman, Louis) (Entered: 10/09/2012)
10/09/2012	<u>157</u> (p.2966)	MOTION to Exclude <i>Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> by Chevron USA Inc, Shell Oil Company. Motion set for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B- Part 1, # <u>5</u> Exhibit B- Part 2, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G)(Grossman, Louis) (Entered: 10/09/2012)
10/09/2012	<u>158</u> (p.3649)	Request/Statement of Oral Argument by Chevron USA Inc, Shell Oil Company regarding <u>157</u> (p.2966) MOTION to Exclude <i>Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> (Grossman, Louis) (Entered: 10/09/2012)
10/09/2012	<u>159</u> (p.3652)	Joint MOTION for Summary Judgment <i>on Prescription</i> by Chevron USA Inc, Shell Oil Company. Motion set for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Contested/Uncontested Facts, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Notice of Submission)(Mollere, Chadwick) (Entered: 10/09/2012)
10/09/2012	<u>160</u> (p.3756)	Joint MOTION for Partial Summary Judgment <i>on Strict Liability and Intentional Tort Claims</i> by Chevron USA Inc, Shell Oil Company. Motion set

		for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Contested/Uncontested Facts, # <u>3</u> Exhibit A, # <u>4</u> Notice of Submission)(Mollere, Chadwick) (Entered: 10/09/2012)
10/09/2012	<u>161</u> (p.3800)	Joint MOTION for Summary Judgment <i>On Plaintiff's Claims for Fear of Cancer and Increased Risk of Cancer</i> by Chevron USA Inc, Shell Oil Company. Motion set for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F)(Grossman, Louis) (Additional attachment(s) added on 10/10/2012: # <u>9</u> Statement of Contested/Uncontested Facts) (mmm). (Entered: 10/09/2012)
10/09/2012	<u>162</u> (p.3976)	Request/Statement of Oral Argument by Chevron USA Inc, Shell Oil Company regarding <u>161</u> (p.3800) Joint MOTION for Summary Judgment <i>On Plaintiff's Claims for Fear of Cancer and Increased Risk of Cancer</i> (Grossman, Louis) (Entered: 10/09/2012)
10/09/2012	<u>163</u> (p.3980)	ERROR: DOCKETED AS SEPARATE DOCUMENT. Statement of Facts by Chevron USA Inc, Shell Oil Company regarding <u>161</u> (p.3800) Joint MOTION for Summary Judgment <i>On Plaintiff's Claims for Fear of Cancer and Increased Risk of Cancer</i> (Grossman, Louis) Modified on 10/10/2012 (mmm). (Entered: 10/09/2012)
10/09/2012	<u>164</u> (p.3984)	MOTION for Summary Judgment (<i>Specific Medical Causation</i>) and, in the Alternative, Motion for Partial Summary Judgment on Plaintiff's Medical Monitoring Claim Under Article 2315(B) of the Louisiana Civil Code by Chevron USA Inc, Shell Oil Company. Motion set for 10/24/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Contested/Uncontested Facts, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Notice of Submission)(Mollere, Chadwick) (Entered: 10/09/2012)
10/10/2012	<u>165</u> (p.4131)	Correction of Docket Entry by Clerk re <u>149</u> (p.1908) Joint MOTION to Exclude <i>Testimony and Expert Report of Ronald McLendon</i> . Filing attorney did not include Notice of Submission. Notice of Submission subsequently provided to Clerk and has now been attached to the motion. (mmm) (Entered: 10/10/2012)
10/10/2012	166	Correction of Docket Entry by Clerk re <u>163</u> (p.3980) Statement of Facts. Document 163 was incorrectly filed as a separate document instead of an attachment to document 161. Clerk took corrective action. No further action is needed. (mmm) (Entered: 10/10/2012)
10/10/2012	<u>167</u> (p.4134)	EXPARTE/CONSENT MOTION to Supplement the Record by Chevron USA Inc, Shell Oil Company for <i>to Supplement the Record on Defendants' Motion to Exclude Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit F-Part 1, # <u>3</u> Exhibit F-Part 2, # <u>4</u> Exhibit F-Part 3, # <u>5</u> Exhibit F-Part 4, # <u>6</u> Exhibit F-Part 5, # <u>7</u> Exhibit F-Part 6, # <u>8</u> Exhibit F-Part 7, # <u>9</u> Exhibit F-Part 8, # <u>10</u> Exhibit F-Part 9)(Grossman, Louis) Modified text/event on 10/11/2012 (mmm). (Entered: 10/10/2012)
10/11/2012	168	Correction of Docket Entry by Clerk re <u>167</u> (p.4134) Request. Filing attorney selected incorrect event. Correct event is MOTION to Amend/Correct. Clerk

		took corrective action by either re-docketing the event or changing the event. (mmm) (Entered: 10/11/2012)
10/11/2012	<u>169</u> (p.4537)	Minute Entry for proceedings held before Chief Judge Sarah S. Vance: Status Conference held on 10/11/2012. Final Pretrial Conference reset for 1/7/2013 02:00 PM before Chief Judge Sarah S. Vance. Jury Trial reset for 1/14/2013 08:30 AM before Chief Judge Sarah S. Vance. Discovery is closed except as specified in this order. No further motion practice except as specified in this order (jjs,) (Entered: 10/15/2012)
10/16/2012	<u>170</u> (p.4540)	ORDER granting <u>167</u> (p.4134) Motion to Amend/Correct Motion <u>157</u> (p.2966) . Signed by Chief Judge Sarah S. Vance on 10/15/12. (jjs,) (Entered: 10/16/2012)
10/23/2012	<u>171</u> (p.4541)	EXPARTE/CONSENT MOTION to Amend/Correct <u>152</u> (p.2367) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Patricia Williams, Ph.D. to Supplement the Record on Defendants' Joint Motion to Exclude the Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 2.1, # <u>3</u> Exhibit 3.1, # <u>4</u> Exhibit 6.1)(Johnson, Mary) (Entered: 10/23/2012)
10/23/2012	<u>172</u> (p.4567)	EXPARTE/CONSENT MOTION to Amend/Correct <u>154</u> (p.2749) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Bertha Daniels, M.D. to Supplement the Record on Defendants' Joint Motion to Exclude the Expert Testimony and Expert Report of Bertha Daniels, M.D.</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit C.1)(Johnson, Mary) (Entered: 10/23/2012)
10/23/2012	<u>173</u> (p.4580)	EXPARTE/CONSENT MOTION to Amend/Correct <u>164</u> (p.3984) MOTION for Summary Judgment (<i>Specific Medical Causation</i>) and, in the Alternative, Motion for Partial Summary Judgment on Plaintiff's Medical Monitoring Claim Under Article 2315(B) of the Louisiana Civil Code to Supplement the Record on Defendants' Joint Motion for Summary Judgment (<i>Specific Medical Causation</i>) by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit F.1)(Johnson, Mary) (Entered: 10/23/2012)
10/23/2012	<u>174</u> (p.4594)	EXPARTE/CONSENT MOTION to Amend/Correct <u>157</u> (p.2966) MOTION to Exclude <i>Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit C.1, # <u>3</u> Exhibit D.1)(Grossman, Louis) (Entered: 10/23/2012)
11/02/2012	<u>175</u> (p.4615)	DEFICIENT: MOTION to Expedite <i>Hearing on Plaintiff's Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company</i> by Clarence Hill. Motion set for 11/21/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Proposed Order Granting Motion for Expedited Hearing of Plaintiff's Motion to Compel, # <u>2</u> Memorandum in Support of Motion for Expedited Hearing on Plaintiff's Motion to Compel, # <u>3</u> Proposed Pleading Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company, # <u>4</u> Proposed Pleading Order Granting Motion to Compel, # <u>5</u> Proposed Pleading Memorandum in Support of Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company, # <u>6</u> Proposed Pleading Notice of Submission)(Falcon, Timothy) Modified on 11/5/2012 (mmm). (Entered: 11/02/2012)
11/02/2012		

	<u>176</u> (p.4638)	Request/Statement of Oral Argument by Clarence Hill regarding <u>175 (p.4615)</u> MOTION to Expedite <i>Hearing on Plaintiff's Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company</i> (Falcon, Timothy) (Entered: 11/02/2012)
11/02/2012	<u>177</u> (p.4640)	EXPARTE/CONSENT MOTION for Leave to File <i>Supplement to Plaintiff's Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company</i> by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Proposed Order Granting Ex-Parte Motion for Leave to Supplement Motion to Compel, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Falcon, Timothy) (Entered: 11/02/2012)
11/02/2012	<u>178</u> (p.4721)	ORDER granting <u>171 (p.4541)</u> Motion to Supplement Record. Signed by Chief Judge Sarah S. Vance on 11/2/12. (jjs,) (Entered: 11/02/2012)
11/02/2012	<u>179</u> (p.4722)	ORDER granting <u>172 (p.4567)</u> Motion to Supplement Record.. Signed by Chief Judge Sarah S. Vance on 11/2/12. (jjs,) (Entered: 11/02/2012)
11/02/2012	<u>180</u> (p.4723)	ORDER granting <u>173 (p.4580)</u> Motion to Supplement Record. Signed by Chief Judge Sarah S. Vance on 11/2/12. (jjs,) (Entered: 11/02/2012)
11/02/2012	<u>181</u> (p.4724)	ORDER granting <u>174 (p.4594)</u> Motion to Supplement Record.. Signed by Chief Judge Sarah S. Vance on 11/2/12. (jjs,) (Entered: 11/02/2012)
11/02/2012	<u>182</u> (p.4725)	MOTION for Protective Order <i>and to Compel Return of Inadvertently Produced Privileged Document</i> by Chevron USA Inc. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 11/28/2012 11:00 AM before Magistrate Judge Joseph C. Wilkinson Jr.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F)(Grossman, Louis) (Entered: 11/02/2012)
11/02/2012	<u>183</u> (p.4749)	Request/Statement of Oral Argument by Chevron USA Inc regarding <u>182 (p.4725)</u> MOTION for Protective Order <i>and to Compel Return of Inadvertently Produced Privileged Document</i> . (Grossman, Louis) (Entered: 11/02/2012)
11/05/2012		NOTICE OF DEFICIENT DOCUMENT: re <u>175 (p.4615)</u> Motion to Expedite, Motion to Compel. Reason(s) of deficiency: 1. Two or more documents filed as one. A Motion with a request for expedited hearing must be filed as two (2) separate entries. First file the Motion to Compel, with all supporting attachments including, Memorandum in Support, Notice of Submission with valid submission date, and any exhibits. Then the second filing will be the Motion for Expedited Hearing. 2. Certificate stating matter cannot be amicably resolved not provided. FRCP 37(a)(1) Certificate not provided. For corrective information, see section(s) D04/D09 on http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm Attention: Document must be refiled in its entirety within seven(7) calendar days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 11/13/2012. (mmm) (Entered: 11/05/2012)
11/05/2012	<u>184</u> (p.4752)	MOTION to Compel <i>Full and Complete 30(b)(6) Deposition of Shell Oil Company</i> by Clarence Hill. Motion referred to Magistrate Judge Wilkinson. Motion set for 11/28/2012 11:00 AM before Magistrate Judge Wilkinson. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Submission, # <u>3</u> Memorandum in Support of Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit

		3)(Falcon, Timothy) Modified referral/date/time/judicial officer on 11/6/2012 (mmm). (Entered: 11/05/2012)
11/05/2012	<u>185</u> (p.4849)	EXPARTE/CONSENT MOTION to Expedite <i>Hearing on Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company</i> by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support of Motion for Expedited Hearing on Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company)(Falcon, Timothy) (Entered: 11/05/2012)
11/05/2012	<u>186</u> (p.4854)	Request/Statement of Oral Argument by Clarence Hill regarding <u>184</u> (p.4752) MOTION to Compel <i>Full and Complete 30(b)(6) Deposition of Shell Oil Company</i> (Falcon, Timothy) (Entered: 11/05/2012)
11/05/2012	<u>187</u> (p.4856)	ORDER: At the request of counsel for defendant, Record Doc. No. 183, and pursuant to Local Rule 78.1, oral argument on defendant's Motion for Protective Order and to Compel Return of Inadvertently Produced Privileged Document, Record Doc. No. 182, is hereby set on NOVEMBER 28, 2012 at 11:00 a.m. before Magistrate Judge Joseph C. Wilkinson, Jr. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 11/5/12.(tbl) (Entered: 11/05/2012)
11/06/2012	188	Correction of Docket Entry by Clerk re <u>184</u> (p.4752) MOTION to Compel <i>Full and Complete 30(b)(6) Deposition of Shell Oil Company</i> . Filing attorney should have changed 'N' to 'Y' at the question 'Is this motion to be decided by the Magistrate Judge Y/N?'. This motion will be decided by the magistrate judge. Clerk took corrective action. Also, filing attorney selected incorrect judicial officer for submission. When setting a motion for submission there is a reminder message 'Be sure to select the correct Judge or Magistrate Judge:'. Motion is to be heard before Magistrate Judge Wilkinson on 11/28/2012 at 11:00 AM. Clerk took corrective action. (mmm) (Entered: 11/06/2012)
11/06/2012	<u>189</u> (p.4857)	MOTION for Extension of Deadlines <i>for Filing Oppositions to Six of Defendants' Nine Pre-Trial Motions</i> by Clarence Hill. Motion set for 11/21/2012 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Submission, # <u>3</u> Memorandum in Support of Motion to Extend November 7, 2012 Deadline for Filing Oppositions to Six of Defendants' Nine Pre-Trial Motions)(Sprague, Jeremiah) (Entered: 11/06/2012)
11/06/2012	<u>190</u> (p.4867)	EXPARTE/CONSENT MOTION to Expedite <i>Hearing on Plaintiff's Motion to Extend the November 7, 2012 Deadline for Filing Oppositions to Six of Defendants' Nine Pre-Tral Motions</i> by Clarence Hill. (Attachments: # <u>1</u> Proposed Order)(Sprague, Jeremiah) (Entered: 11/06/2012)
11/06/2012	<u>191</u> (p.4870)	Request/Statement of Oral Argument by Clarence Hill regarding <u>189</u> (p.4857) MOTION for Extension of Deadlines <i>for Filing Oppositions to Six of Defendants' Nine Pre-Trial Motions</i> (Sprague, Jeremiah) (Entered: 11/06/2012)
11/06/2012	<u>192</u> (p.4872)	ORDER granting <u>190</u> (p.4867) Motion to Expedite. The Court is considering granting a one week extension for the six motions plaintiff has identified. The defendants are to respond with any objection to a one week extension for these motions by November 7, 2012 at 12:00 p.m. There will not be oral argument on this motion. Signed by Chief Judge Sarah S. Vance on 11/6/2012. (mmm) (Entered: 11/06/2012)

11/06/2012	<u>193</u> (p.4873)	Statement by Chevron USA Inc, Shell Oil Company <i>Regarding Plaintiffs' Motion to Extend November 7, 2012 Deadline for Filing Oppositions to Six of Defendants' Nine Pretrial Motions</i> (Grossman, Louis) (Entered: 11/06/2012)
11/07/2012	<u>194</u> (p.4877)	ORDER: (1) Plaintiff's Motion for Leave to Supplement Plaintiff's Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company, Record Doc. No. 177 is DISMISSED AS MOOT. Jeremiah Sprague, counsel for movant, has advised the court that the supplement to plaintiff's motion was included in plaintiff's Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company, which was refiled on November 5, 2012. Record Doc. No. 184. (2) Plaintiff's Motion for Expedited Hearing on Plaintiff's Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company, Record Doc. No. 185 is DENIED. Plaintiff's Request for Oral Argument, Record Doc. No. 186 is GRANTED. At the request of counsel for plaintiff, oral argument on plaintiff's Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company, Record Doc. No. 184, will be conducted on November 28, 2012 at 11:00 a.m. before Magistrate Judge Joseph C. Wilkinson, Jr. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 11/7/12.(tbl) (Entered: 11/07/2012)
11/07/2012	<u>195</u> (p.4878)	ORDER granting <u>189 (p.4857)</u> Motion for Extension of Deadlines: plaintiff's oppositions are due November 14, 2012, and defendants' replies are due November 21, 2012.. Signed by Chief Judge Sarah S. Vance on 11/7/12. (jjs,) (Entered: 11/07/2012)
11/07/2012	<u>196</u> (p.4879)	DEFICIENT: RESPONSE/MEMORANDUM in Opposition filed by All Plaintiffs re <u>160 (p.3756)</u> Joint MOTION for Partial Summary Judgment <i>on Strict Liability and Intentional Tort Claims</i> . (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Sprague, Jeremiah) Modified on 11/8/2012 (mmm). (Entered: 11/07/2012)
11/07/2012	<u>197</u> (p.4979)	DEFICIENT: RESPONSE/MEMORANDUM in Opposition filed by All Plaintiffs re <u>159 (p.3652)</u> Joint MOTION for Summary Judgment <i>on Prescription</i> . (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Sprague, Jeremiah) Modified on 11/8/2012 (mmm). (Entered: 11/07/2012)
11/07/2012	<u>198</u> (p.4993)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>151 (p.1983)</u> MOTION for Summary Judgment <i>on Individual Causation</i> . (Attachments: # <u>1</u> Statement of Contested/Uncontested Facts, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7-A, # <u>9</u> Exhibit 7-B, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14, # <u>17</u> Exhibit 15, # <u>18</u> Exhibit 16)(Sprague, Jeremiah) (Entered: 11/07/2012)
11/08/2012		NOTICE OF DEFICIENT DOCUMENT: re <u>196 (p.4879)</u> Response/Memorandum in Opposition to Motion,. Reason(s) of deficiency: Statement of material facts not provided. For corrective information, see section(s) D11 on http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm Attention: Document must be refiled in its entirety within seven(7) calendar days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 11/15/2012. (mmm) (Entered: 11/08/2012)
11/08/2012		NOTICE OF DEFICIENT DOCUMENT: re <u>197 (p.4979)</u> Response/Memorandum in Opposition to Motion. Reason(s) of deficiency: Statement of material facts not provided. For corrective information, see

		section(s) D11 on http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm Attention: Document must be refiled in its entirety within seven(7) calendar days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 11/15/2012. (mmm) (Entered: 11/08/2012)
11/08/2012	<u>199</u> (p.5415)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>159</u> (p.3652) Joint MOTION for Summary Judgment <i>on Prescription</i> . (Attachments: # <u>1</u> Statement of Contested/Uncontested Facts, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Sprague, Jeremiah) (Entered: 11/08/2012)
11/08/2012	<u>200</u> (p.5431)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>160</u> (p.3756) Joint MOTION for Partial Summary Judgment <i>on Strict Liability and Intentional Tort Claims</i> . (Attachments: # <u>1</u> Statement of Contested/Uncontested Facts, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Sprague, Jeremiah) (Entered: 11/08/2012)
11/12/2012	<u>201</u> (p.5533)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum to Plaintiff's Opposition to Defendants' Motion for Summary Judgment on Individual Causation</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Mollere, Chadwick) (Entered: 11/12/2012)
11/12/2012	<u>202</u> (p.5549)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply to Plaintiff's Memorandum in Opposition to Joint Motion for Summary Judgment on Prescription</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading, # <u>3</u> Exhibit A)(Mollere, Chadwick) (Entered: 11/12/2012)
11/12/2012	<u>203</u> (p.5574)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply to Plaintiff's Opposition to Joint Motion for Partial Summary Judgment on Strict Liability and Intentional Tort Claims</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading, # <u>3</u> Exhibit A)(Mollere, Chadwick) (Entered: 11/12/2012)
11/14/2012	<u>204</u> (p.5589)	ORDER granting <u>201</u> (p.5533) Motion for Leave to File Reply. Signed by Chief Judge Sarah S. Vance on 11/14/12. (jjs,) (Entered: 11/14/2012)
11/14/2012	<u>205</u> (p.5590)	REPLY to Response to Motion filed by Chevron USA Inc, Shell Oil Company re <u>151</u> (p.1983) MOTION for Summary Judgment <i>on Individual Causation</i> . (jjs,) (Entered: 11/14/2012)
11/14/2012	<u>206</u> (p.5602)	ORDER granting <u>202</u> (p.5549) Motion for Leave to File Reply. Signed by Chief Judge Sarah S. Vance on 11/14/12. (jjs,) (Entered: 11/14/2012)
11/14/2012	<u>207</u> (p.5603)	REPLY to Response to Motion filed by Chevron USA Inc, Shell Oil Company re <u>159</u> (p.3652) Joint MOTION for Summary Judgment <i>on Prescription</i> . (Attachments: # <u>1</u> Exhibit)(jjs,) (Entered: 11/14/2012)
11/14/2012	<u>208</u> (p.5624)	ORDER granting <u>203</u> (p.5574) Motion for Leave to File Reply. Signed by Chief Judge Sarah S. Vance on 11/14/12. (jjs,) (Entered: 11/14/2012)
11/14/2012	<u>209</u> (p.5625)	REPLY to Response to Motion filed by Chevron USA Inc, Shell Oil Company re <u>160</u> (p.3756) Joint MOTION for Partial Summary Judgment <i>on Strict Liability and Intentional Tort Claims</i> . (Attachments: # <u>1</u> Exhibit)(jjs,) (Entered: 11/14/2012)
11/14/2012		

	<u>210</u> (p.5636)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>149</u> (p.1908) Joint MOTION to Exclude <i>Testimony and Expert Report of Ronald McLendon</i> . (Attachments: # <u>1</u> Exhibit 1)(Sprague, Jeremiah) (Entered: 11/14/2012)
11/14/2012	<u>211</u> (p.5646)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>164</u> (p.3984) MOTION for Summary Judgment (<i>Specific Medical Causation</i>) and, in the Alternative, Motion for Partial Summary Judgment on Plaintiff's Medical Monitoring Claim Under Article 2315(B) of the Louisiana Civil Code . (Attachments: # <u>1</u> Statement of Contested/Uncontested Facts, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10)(Sprague, Jeremiah) (Entered: 11/14/2012)
11/14/2012	<u>212</u> (p.5702)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>161</u> (p.3800) Joint MOTION for Summary Judgment <i>On Plaintiff's Claims for Fear of Cancer and Increased Risk of Cancer</i> . (Attachments: # <u>1</u> Statement of Contested/Uncontested Facts, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Sprague, Jeremiah) (Entered: 11/14/2012)
11/14/2012	<u>213</u> (p.5787)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>152</u> (p.2367) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2A, # <u>3</u> Exhibit 2B, # <u>4</u> Memorandum in Support 2C, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4)(Falcon, Timothy) (Entered: 11/14/2012)
11/14/2012	<u>214</u> (p.6037)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>154</u> (p.2749) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Bertha Daniels, M.D.</i> . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Sprague, Jeremiah) (Entered: 11/14/2012)
11/14/2012	<u>215</u> (p.6158)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>157</u> (p.2966) MOTION to Exclude <i>Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Falcon, Timothy) (Entered: 11/14/2012)
11/20/2012	<u>216</u> (p.6323)	EXPARTE MOTION for Leave to File <i>Supplemental Memorandum In Support of Memorandaum in Opposition to Defendants' Motion to Exclude Testimony of Dr. Phillip Plato and Dr. Patricia Williams</i> by Clarence Hill. (Attachments: # <u>1</u> Memorandum in Support of Motion for Leave, # <u>2</u> Proposed Order, # <u>3</u> Proposed Pleading)(Falcon, Timothy) Modified on 11/20/2012: removed referral/hearing date/time (mmm). (Entered: 11/20/2012)
11/20/2012	217	Correction of Docket Entry by Clerk re <u>216</u> (p.6323) MOTION for Leave to File <i>Supplemental Memorandum In Support of Memorandaum in Opposition to Defendants' Motion to Exclude Testimony of Dr. Phillip Plato and Dr. Patricia Williams</i> . Filing attorney incorrectly changed 'N' to 'Y' at the question 'Is this motion to be decided by the Magistrate Judge Y/N?'. This motion will be decided by the district judge. Clerk took corrective action. Also, filing attorney should have selected 'Yes' at the question 'Is this an Exparte/Consent Motion Y/N?' before clicking the Next button. Clerk modified docket text to reflect 'Exparte'. (mmm) (Entered: 11/20/2012)
11/20/2012		

	<u>218</u> (p.6346)	RESPONSE/MEMORANDUM in Opposition filed by Clarence Hill re <u>182</u> (p.4725) MOTION for Protective Order <i>and to Compel Return of Inadvertently Produced Privileged Document</i> . (Buck, Frank) (Entered: 11/20/2012)
11/20/2012	<u>219</u> (p.6352)	EXPARTE/CONSENT Joint MOTION for Leave to File <i>Supplemental Memorandum in Further Support of Motion to Exclude or Limit the Expert Testimony and Report of Ronald C. McLendon</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Pleading, # <u>2</u> Proposed Order)(Grossman, Louis) Modified text on 11/20/2012 (mmm). (Entered: 11/20/2012)
11/20/2012	<u>220</u> (p.6365)	RESPONSE/MEMORANDUM in Opposition filed by Shell Oil Company re <u>184</u> (p.4752) MOTION to Compel <i>Full and Complete 30(b)(6) Deposition of Shell Oil Company</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Mollere, Chadwick) (Entered: 11/20/2012)
11/21/2012	<u>221</u> (p.6404)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum to Plaintiff's Opposition to Defendants' Motion to Exclude Expert Testimony and Expert Report of Bertha Daniels M.D.</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Johnson, Mary) (Entered: 11/21/2012)
11/21/2012	<u>222</u> (p.6416)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum in Support of Joint Motion for Summary Judgment on Plaintiff's Claims for Fear of Cancer and Increased Risk of Cancer</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Grossman, Louis) (Entered: 11/21/2012)
11/21/2012	<u>223</u> (p.6428)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum to Plaintiff's Opposition to Defendants' Motion to Exclude Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading, # <u>3</u> Exhibit Exhibits "A" through "E" to Proposed Reply)(Johnson, Mary) (Entered: 11/21/2012)
11/21/2012	<u>224</u> (p.6512)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply to Plaintiff's Opposition to Motion for Summary Judgment (Specific Causation) and, in the alternative, Motion for Partial Summary Judgment on Plaintiff's Medical Monitoring Claim Under Article 2315(B) of the Louisiana Civil Code</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2)(Mollere, Chadwick) (Entered: 11/21/2012)
11/21/2012	<u>225</u> (p.6562)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum in Support of Joint Motion to Exclude Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit)(Cardon, Christie) Modified text on 11/23/2012 (gbw,). (Entered: 11/21/2012)
11/26/2012	<u>226</u> (p.6746)	EXPARTE/CONSENT MOTION for Leave to File Supplemental Memorandum re: Motion for Protective Order <i>and to Compel Inadvertently Produced Privileged Document</i> by Chevron USA Inc. Motion(s) referred to Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Grossman, Louis) Modified text/event on 11/26/2012 (mmm).

		(Entered: 11/26/2012)
11/26/2012	<u>227</u>	Correction of Docket Entry by Clerk re <u>226 (p.6746)</u> Supplemental MOTION for Protective Order and to Compel Inadvertently Produced Privileged Document. Filing attorney selected incorrect event. Correct event is MOTION for Leave to File Document. Clerk took corrective action by either re-docketing the event or changing the event. (mmm) (Entered: 11/26/2012)
11/27/2012	<u>228 (p.6755)</u>	ORDER that Chevron U.S.A. Inc., individually and as successor to Texaco Inc., be and is hereby GRANTED leave to file its supplemental Memorandum in Further Support of the Motion for Protective Order and to Compel the Return of an Inadvertently Produced Privileged Document. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 11/27/12. (tbl) (Entered: 11/27/2012)
11/27/2012	<u>229 (p.6756)</u>	Supplemental Memorandum filed by Chevron USA Inc in further support of its <u>182 (p.4725)</u> MOTION for Protective Order <i>and to Compel Return of Inadvertently Produced Privileged Document.</i> (tbl) (Entered: 11/27/2012)
11/28/2012	<u>230 (p.6761)</u>	ORDER AND REASONS ON defendant Chevron U.S.A. Inc's <u>182 (p.4725)</u> Motion for Protective Order and to Compel return of an inadvertently produced privileged document and Plaintiff's <u>184 (p.4752)</u> Motion to Compel further Rule 30(b)(6) deposition of defendant Shell Oil Co. IT IS ORDERED that the defendant's motion is DEFERRED as to the disputed document. No later than December 7, 2012, Chevron must file a supplemental memorandum in support of its motion, which must attach evidence to support its claim of attorney-client privilege. Plaintiff may file a reply memorandum, if any, no later than December 13, 2012, including any evidence he might wish to submit in response to defendant's supplemental submission. Thereafter, this motion will be decided without further briefing or argument. Plaintiff's motion to compel further Rule 30(b)(6) deposition testimony from defendant Shell is DENIED. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 11/28/12. (tbl) (Entered: 11/28/2012)
11/28/2012	<u>231 (p.6769)</u>	Minute Entry for proceedings held before Magistrate Judge Joseph C. Wilkinson, Jr: Defendant's Motion for Protective Order and to Compel Return of Inadvertently Produced Privileged Document, Record Doc. No. 182 - Ruling is deferred; Plaintiff's Motion to Compel Full and Complete 30(b)(6) Deposition of Shell Oil Company, Record Doc. No. 184 is denied. An Order and Reasons addressing these motions in detail will be separately entered. (tbl) (Entered: 11/28/2012)
11/29/2012	<u>232 (p.6770)</u>	ORDER granting <u>216 (p.6323)</u> Motion for Leave to File Supplemental Opposition. Signed by Chief Judge Sarah S. Vance on 11/29/12. (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>233 (p.6771)</u>	Supplemental Memorandum filed by Clarence Hill in opposition of <u>152 (p.2367)</u> Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> , <u>157 (p.2966)</u> MOTION to Exclude <i>Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>234 (p.6787)</u>	ORDER granting <u>219 (p.6352)</u> Motion for Leave to File supplemental Memo. Signed by Chief Judge Sarah S. Vance on 11/29/12. (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>235 (p.6788)</u>	Supplemental Memorandum filed by Chevron USA Inc, Shell Oil Company in support of <u>149 (p.1908)</u> Joint MOTION to Exclude <i>Testimony and Expert</i>

		<i>Report of Ronald McLendon.</i> (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>236</u> (p.6797)	ORDER granting <u>221</u> (p.6404) Motion for Leave to File Reply Memo. Signed by Chief Judge Sarah S. Vance on 11/29/12. (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>237</u> (p.6798)	REPLY to Response to Motion filed by Chevron USA Inc, Shell Oil Company re <u>154</u> (p.2749) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Bertha Daniels, M.D.</i> . (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>238</u> (p.6806)	ORDER granting <u>222</u> (p.6416) Motion for Leave to File Reply Memo. Signed by Chief Judge Sarah S. Vance on 11/29/12. (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>239</u> (p.6807)	REPLY to Response to Motion filed by Chevron USA Inc, Shell Oil Company re <u>161</u> (p.3800) Joint MOTION for Summary Judgment <i>On Plaintiff's Claims for Fear of Cancer and Increased Risk of Cancer.</i> (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>240</u> (p.6815)	ORDER granting <u>223</u> (p.6428) Motion for Leave to File Reply. Signed by Chief Judge Sarah S. Vance on 11/29/12. (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>241</u> (p.6816)	REPLY to Response to Motion filed by Chevron USA Inc, Shell Oil Company re <u>152</u> (p.2367) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> . (Attachments: # <u>1</u> Exhibit)(jjs,) (Entered: 11/29/2012)
11/29/2012	<u>242</u> (p.6896)	ORDER granting <u>224</u> (p.6512) Motion for Leave to File Reply. Signed by Chief Judge Sarah S. Vance on 11/29/12. (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>243</u> (p.6897)	REPLY to Response to Motion filed by Chevron USA Inc, Shell Oil Company re <u>164</u> (p.3984) MOTION for Summary Judgment (<i>Specific Medical Causation</i>) and, in the Alternative, <i>Motion for Partial Summary Judgment on Plaintiff's Medical Monitoring Claim Under Article 2315(B) of the Louisiana Civil Code.</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(jjs,) (Entered: 11/29/2012)
11/29/2012	<u>244</u> (p.6942)	ORDER granting <u>225</u> (p.6562) Motion for Leave to File Reply. Signed by Chief Judge Sarah S. Vance on 11/29/12. (jjs,) (Entered: 11/29/2012)
11/29/2012	<u>245</u> (p.6943)	REPLY to Response to Motion filed by Chevron USA Inc, Shell Oil Company re <u>157</u> (p.2966) MOTION to Exclude <i>Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(jjs,) (Entered: 11/29/2012)
12/07/2012	<u>246</u> (p.7122)	DEFICIENT: MOTION to Exclude <i>Opinions and Reports of Lynn R. Anspaugh, Ph.D.</i> by Clarence Hill. Motion set for 1/2/2013 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Submission, # <u>3</u> Memorandum in Support of Motion to Exclude Opinions and Reports of Lynn R. Anspaugh, Ph.D., # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Exhibit 4, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6, # <u>10</u> Exhibit 7, # <u>11</u> Exhibit 8, # <u>12</u> Exhibit 9, # <u>13</u> Exhibit 10, # <u>14</u> Exhibit 11, # <u>15</u> Exhibit 12, # <u>16</u> Exhibit 13, # <u>17</u> Exhibit 14, # <u>18</u> Exhibit 15, # <u>19</u> Exhibit 16, # <u>20</u> Exhibit 17, # <u>21</u> Exhibit 18, # <u>22</u> Exhibit 19, # <u>23</u> Exhibit 20, # <u>24</u> Exhibit 21, # <u>25</u> Exhibit 22, # <u>26</u> Exhibit 23, # <u>27</u> Exhibit 24)(Sprague, Jeremiah) Modified on 12/10/2012 (mmm). (Attachment 14 replaced on 10/30/2013 to correct ROA error "insufficient data for images") (bbc,). Modified on 10/30/2013 (bbc,). (Entered: 12/07/2012)
12/07/2012		

	<u>247</u> (p.8011)	EXPARTE/CONSENT MOTION for Leave to File <i>Supplemental Memorandum in Further Support by Chevron U.S.A. Inc.'s Motion for Protective Order</i> by Chevron USA Inc. Motion referred to Magistrate Wilkinson. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading, # <u>3</u> Exh. A, # <u>4</u> Exh. B, # <u>5</u> Exh. C)(Grossman, Louis) Modified text/referred on 12/10/2012 (mmm). (Entered: 12/07/2012)
12/10/2012	248	Correction of Docket Entry by Clerk re <u>247</u> (p.8011) MOTION for Leave to File <i>Supplemental Memorandum in Further Support by Chevron U.S.A. Inc.'s Motion for Protective Order</i> . Filing attorney should have changed 'N' to 'Y' at the question 'Is this motion to be decided by the Magistrate Judge Y/N?'. This motion will be decided by the magistrate judge. Clerk took corrective action. (mmm) (Entered: 12/10/2012)
12/10/2012		NOTICE OF DEFICIENT DOCUMENT: re <u>246</u> (p.7122) Motion to Exclude. Reason(s) of deficiency: Pleadings over 25 pages/Reply brief over 10 pages. For corrective information, see section(s) D07 on http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm Attention: Document must be refiled in its entirety within seven(7) calendar days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 12/17/2012. (mmm) (Entered: 12/10/2012)
12/10/2012	<u>249</u> (p.8031)	ORDER: IT IS ORDERED that Chevon U.S.A. Inc., individually and as successor to Texaco Inc., be and is hereby GRANTED leave to file the Second Supplemental Memorandum in Further Support of the Motion for Protective Order and to Compel the Return of an Inadvertently Produced Privileged Document. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 12/10/12. (tbl) (Entered: 12/10/2012)
12/10/2012	<u>250</u> (p.8032)	Second Supplemental Memorandum filed by Chevron USA Inc in further support of its <u>182</u> (p.4725) MOTION for Protective Order <i>and to Compel Return of Inadvertently Produced Privileged Document</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(tbl) (Entered: 12/10/2012)
12/12/2012	<u>251</u> (p.8048)	EXPARTE/CONSENT MOTION for Leave to File <i>Brief in Excess of Twenty Five Pages</i> by Clarence Hill. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading Motion to Exclude Opinions and Reports of Lynn Anspaugh, Ph.D., # <u>3</u> Proposed Pleading Order granting Motion to Exclude, # <u>4</u> Proposed Pleading Notice of Submission, # <u>5</u> Proposed Pleading Memorandum in Support of Motion to Exclude, # <u>6</u> Proposed Pleading Exhibit 1, # <u>7</u> Proposed Pleading Exhibit 2, # <u>8</u> Proposed Pleading Exhibit 3, # <u>9</u> Proposed Pleading Exhibit 4, # <u>10</u> Proposed Pleading Exhibit 5, # <u>11</u> Proposed Pleading Exhibit 6, # <u>12</u> Proposed Pleading Exhibit 7, # <u>13</u> Proposed Pleading Exhibit 8, # <u>14</u> Proposed Pleading Exhibit 9, # <u>15</u> Proposed Pleading Exhibit 10, # <u>16</u> Proposed Pleading Exhibit 11, # <u>17</u> Proposed Pleading Exhibit 12, # <u>18</u> Proposed Pleading Exhibit 13, # <u>19</u> Proposed Pleading Exhibit 14, # <u>20</u> Proposed Pleading Exhibit 15, # <u>21</u> Proposed Pleading Exhibit 16, # <u>22</u> Proposed Pleading Exhibit 17, # <u>23</u> Proposed Pleading Exhibit 18, # <u>24</u> Proposed Pleading Exhibit 19, # <u>25</u> Proposed Pleading Exhibit 20, # <u>26</u> Proposed Pleading Exhibit 21, # <u>27</u> Proposed Pleading Exhibit 22, # <u>28</u> Proposed Pleading Exhibit 23, # <u>29</u> Proposed Pleading Exhibit 24)(Sprague, Jeremiah) (Entered: 12/12/2012)
12/13/2012	<u>252</u> (p.8938)	EXPARTE/CONSENT MOTION for Leave to File <i>Second Supplemental Memorandum in Opposition to Motion for Protective Order and to Compel</i>

		<i>Return of Inadvertently Produced Privileged Document</i> by Clarence Hill. Motion(s) referred to Joseph C. Wilkinson, Jr. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading Second Supplemental Memorandum in Opposition to Motion for Protective Order and to Compel Return of Inadvertently Produced Privileged Document)(Sprague, Jeremiah) (Entered: 12/13/2012)
12/14/2012	<u>253</u> (p.8947)	ORDER granting Plaintiff's <u>252</u> (p.8938) Motion for Leave to File his Second Supplemental Memorandum in Opposition to Motion for Protective Order and to Compel the Return of Inadvertently Produced Privileged Document. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 12/14/12. (tbl) (Entered: 12/14/2012)
12/14/2012	<u>254</u> (p.8948)	Second Supplemental MEMORANDUM in Opposition filed by Clarence Hill re <u>182</u> (p.4725) MOTION for Protective Order <i>and to Compel Return of Inadvertently Produced Privileged Document</i> . (tbl) (Entered: 12/14/2012)
12/18/2012	<u>255</u> (p.8954)	ORDER denying <u>159</u> (p.3652) Motion for Summary Judgment. Signed by Chief Judge Sarah S. Vance on 12/18/12. (jjs,) (Entered: 12/18/2012)
12/19/2012	<u>256</u> (p.8966)	ORDER granting <u>182</u> (p.4725) Motion for Protective Order and to Compel Return of Inadvertently Produced Privileged Document. Signed by Magistrate Judge Joseph C. Wilkinson, Jr. (clm,) (Entered: 12/19/2012)
12/19/2012	<u>257</u> (p.8967)	ORDER granting <u>251</u> (p.8048) Motion for Leave to File. Signed by Chief Judge Sarah S. Vance on 12/19/12. (jjs,) (Entered: 12/19/2012)
12/19/2012	<u>258</u> (p.8968)	MOTION to Exclude the opinions and reports of Dr. Lynn R. Anspaugh, Ph.D. under Daubert and the Federal Rule of Evidence 702 by Clarence Hill. Motion set for 1/2/2013 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14, # <u>17</u> Exhibit 15, # <u>18</u> Exhibit 16, # <u>19</u> Exhibit 17, # <u>20</u> Exhibit 18, # <u>21</u> Exhibit 19, # <u>22</u> Exhibit 20, # <u>23</u> Exhibit 21, # <u>24</u> Exhibit 22, # <u>25</u> Exhibit 23, # <u>26</u> Exhibit 24)(jjs,) (Entered: 12/19/2012)
12/19/2012	<u>259</u> (p.9853)	RESPONSE/MEMORANDUM in Opposition filed by Chevron USA Inc, Shell Oil Company re <u>258</u> (p.8968) MOTION to Exclude the opinions and reports of Dr. Lynn R. Anspaugh, Ph.D. under Daubert and the Federal Rule of Evidence 702 . (Attachments: # <u>1</u> Proposed Order Denying Plaintiff's Motion to Exclude Anspaugh, # <u>2</u> Exhibit A - Anspaugh Report, # <u>3</u> Exhibit B - Anspaugh Deposition Testimony, # <u>4</u> Exhibit C - Mettler Deposition Testimony, # <u>5</u> Exhibit D - Vaughn Deposition Testimony, # <u>6</u> Exhibit E - Hill Deposition Testimony, # <u>7</u> Exhibit F - Leon Ellison Affidavit, # <u>8</u> Exhibit G - McArthur Deposition Testimony, # <u>9</u> Exhibit H - McArthur Study, # <u>10</u> Exhibit I - Auxier and Associates Report, # <u>11</u> Exhibit J - TMA/Eberline Materials, # <u>12</u> Exhibit K - Rood Study, # <u>13</u> Exhibit L - CA Department of Health NORM Study)(Cardon, Christie) (Entered: 12/19/2012)
12/21/2012	<u>260</u> (p.10244)	Joint MOTION for Hearing re <u>152</u> (p.2367) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> , <u>157</u> (p.2966) MOTION to Exclude <i>Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> , <u>241</u> (p.6816) Reply to Response to Motion, <u>245</u> (p.6943) Reply to Response to Motion, <u>213</u> (p.5787) Response/Memorandum in Opposition to Motion, <u>215</u> (p.6158) Response/Memorandum in Opposition to Motion, by Chevron

		USA Inc, Shell Oil Company. Motion set for 1/16/2013 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Submission)(Cardon, Christie) (Main Document 260 replaced on 12/26/2012. Additional attachment(s) added on 12/26/2012: # <u>3</u> Memorandum in Support) (mmm). (Entered: 12/21/2012)
12/21/2012	<u>261</u> (p.10255)	EXPARTE/CONSENT Joint MOTION to Expedite <i>Submission Date</i> by Chevron USA Inc, Shell Oil Company. (Attachments: # <u>1</u> Proposed Order)(Cardon, Christie) (Entered: 12/21/2012)
12/24/2012	<u>262</u> (p.10263)	EXPARTE MOTION for Leave to File Supplemental Memorandum by All Plaintiffs, in Support of <u>258</u> (p.8968) MOTION to Exclude the opinions and reports of Dr. Lynn R. Anspaugh, Ph.D. under Daubert and the Federal Rule of Evidence 702 . (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit)(Sprague, Jeremiah) Modified text/event on 12/26/2012 (mmm). (Entered: 12/24/2012)
12/26/2012	263	Correction of Docket Entry by Clerk re <u>260</u> (p.10244) Joint MOTION for Hearing re <u>152</u> (p.2367) Joint MOTION to Exclude <i>Expert Testimony and Expert Report of Patricia Williams, Ph.D.</i> , <u>157</u> (p.2966) MOTION to Exclude <i>Expert Opinions and Testimony of Phillip Plato, Ph.D.</i> . Memorandum in Support should be added as a separate attachment to the motion and not as part of the motion. Clerk took corrective action. No further action is necessary. (mmm) (Entered: 12/26/2012)
12/26/2012	264	Correction of Docket Entry by Clerk re <u>262</u> (p.10263) Supplemental Memorandum. Filing attorney selected incorrect event. Correct event is Motion for Leave to File Document. Clerk took corrective action by either re-docketing the event or changing the event. (mmm) (Entered: 12/26/2012)
12/26/2012	<u>265</u> (p.10330)	ORDER The Court has received defendants' motion for hearing regarding the affidavits of Dr. Plato and Dr. Williams. These affidavits were submitted beyond the expert disclosure deadline and beyond the 30-day deadline for disclosure of rebuttal expert opinions. Accordingly, plaintiff is ordered to make Dr. Plato and Dr. Williams available for deposition in person or by phone by January 3, 2013. The depositions shall be limited to one hour for each witness, and defendants will have until the pretrial conference to supplement their motions to exclude with any new arguments.. Signed by Chief Judge Sarah S. Vance on 12/26/12. (jjs,) (Entered: 12/26/2012)
12/27/2012	<u>266</u> (p.10331)	ORDER granting <u>262</u> (p.10263) Motion for Leave to File Supplemental Memo in Support. Signed by Chief Judge Sarah S. Vance on 12/27/12. (jjs,) (Entered: 12/27/2012)
12/27/2012	<u>267</u> (p.10332)	Supplemental Memorandum filed by Clarence Hill, in support of <u>258</u> (p.8968) MOTION to Exclude the opinions and reports of Dr. Lynn R. Anspaugh, Ph.D. under Daubert and the Federal Rule of Evidence 702. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(jjs,) (Entered: 12/27/2012)
01/02/2013	<u>268</u> (p.10396)	MOTION to Intervene by Exxon Mobil Corporation. Motion(s) referred to Joseph C. Wilkinson, Jr. Motion set for 1/23/2013 11:00 AM before Magistrate Wilkinson. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Notice of Submission, # <u>4</u> Proposed Pleading)(Pilie, Glen) Modified judicial officer on 1/2/2013 (mmm). (Entered: 01/02/2013)

01/02/2013	<u>269</u> (p.10418)	ORDER AND REASONS granting <u>151 (p.1983)</u> Motion for Summary Judgment on the issue of causation. Signed by Chief Judge Sarah S. Vance on 1/2/13. (jjs,) (Entered: 01/02/2013)
01/02/2013	270	Correction of Docket Entry by Clerk re <u>268 (p.10396)</u> MOTION to Intervene. Filing attorney selected incorrect judicial officer for submission/hearing. When setting a motion for submission/hearing there is a reminder message 'Be sure to select the correct Judge or Magistrate Judge:'. Motion is to be heard before Magistrate Wilkinson. Clerk took corrective action. (mmm) (Entered: 01/02/2013)
01/02/2013	<u>271</u> (p.10427)	MOTION for APPEAL/REVIEW OF MAGISTRATE JUDGE DECISION to District Court re <u>256 (p.8966)</u> Order on Motion for Protective Order by Clarence Hill. Motion set for 1/30/2013 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Submission, # <u>3</u> Memorandum in Support of Motion to Review Magistrate Judge's Order, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3)(Sprague, Jeremiah) (Entered: 01/02/2013)
01/03/2013	<u>272</u> (p.10448)	JUDGMENT dismissing plaintiff's complaint with prejudice. Signed by Chief Judge Sarah S. Vance on 1/3/13.(jjs,) (Entered: 01/03/2013)
01/15/2013	<u>273</u> (p.10449)	RESPONSE/MEMORANDUM in Opposition to Motion filed by All Plaintiffs re <u>268 (p.10396)</u> MOTION to Intervene . (Attachments: # <u>1</u> Exhibit Ex. 1 (CDC Transcript), # <u>2</u> Exhibit Ex. 2 (EM Appeal Brief))(Sprague, Jeremiah) Modified text/event on 1/16/2013 (mmm). (Entered: 01/15/2013)
01/16/2013	274	Correction of Docket Entry by Clerk re <u>273 (p.10449)</u> Response to Motion. Filing attorney selected incorrect event. Correct event is RESPONSE/MEMORANDUM in Opposition to Motion. Clerk took corrective action by either re-docketing the event or changing the event. (mmm) (Entered: 01/16/2013)
01/16/2013	<u>275</u> (p.10473)	Request/Statement of Oral Argument by Clarence Hill regarding <u>268 (p.10396)</u> MOTION to Intervene (Sprague, Jeremiah) (Entered: 01/16/2013)
01/18/2013	<u>276</u> (p.10476)	ORDER that oral argument on defendant's Motion to Intervene, Record Doc. No. 268, previously noticed for submission before me on January 23, 2013, is hereby set on FEBRUARY 6, 2013 at 11:00 a.m. before Magistrate Judge Joseph C. Wilkinson, Jr. Signed by Magistrate Judge Daniel E. Knowles, III on 1/18/2013 for Magistrate Judge Joseph C. Wilkinson, Jr.(tbl) (Entered: 01/18/2013)
01/22/2013	<u>277</u> (p.10477)	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum in Support of Motion to Intervene</i> by Exxon Mobil Corporation. Motion referred to Magistrate Judge Joseph C. Wilkinson Jr. (Attachments: # <u>1</u> Proposed Pleading Reply Memorandum in Support of Motion to Intervene, # <u>2</u> Exhibit Ex. 1 to Reply, # <u>3</u> Exhibit Ex. 2 to Reply, # <u>4</u> Exhibit Ex. 3 to Reply, # <u>5</u> Exhibit Ex. 4 to Reply, # <u>6</u> Exhibit Ex. 5 to Reply, # <u>7</u> Notice of Submission)(Stern, Martin) Modified on 1/23/2013 (lag,). (Entered: 01/22/2013)
01/23/2013	278	Correction of Docket Entry by Clerk re <u>277 (p.10477)</u> MOTION for Leave to File <i>Reply Memorandum in Support of Motion to Intervene</i> ; Motion should be designated "Exparte" and should not be set for submission. Also, motion should be referred to Magistrate Judge Joseph C. Wilkinson Jr. Clerk took corrective action. (lag,) (Entered: 01/23/2013)

01/23/2013	<u>279</u> (p.10595)	ORDER granting <u>277</u> (p.10477) Motion for Leave to File Reply Memorandum in Support of Motion to Intervene: IT IS HEREBY ORDERED that defendant Exxon Mobil Corp., is hereby granted leave to file the attached Reply Memorandum in support of its Motion to Intervene. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 1/23/13. (tbl) (Entered: 01/23/2013)
01/23/2013	<u>280</u> (p.10596)	REPLY MEMORANDUM by Exxon Mobil Corporation in Support of its <u>268</u> (p.10396) MOTION to Intervene. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(tbl) (Entered: 01/23/2013)
01/25/2013	<u>281</u> (p.10707)	ORDER that plaintiffs motion <u>271</u> (p.10427) for review of the Magistrate Judges order <u>256</u> (p.8966) finding that a certain document produced in discovery by Chevron/Texaco is a privileged document is hereby set for submission without oral argument on WEDNESDAY, FEBRUARY 27, 2013. Signed by Chief Judge Sarah S. Vance on 1/25/13.(jjs,) (Entered: 01/25/2013)
01/31/2013	<u>282</u> (p.10708)	MOTION to Alter Judgment <u>272</u> (p.10448) Judgment by Clarence Hill. Motion set for 2/27/2013 10:00 AM before Chief Judge Sarah S. Vance. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Submission, # <u>3</u> Memorandum in Support of Motion to Amend or Alter Judgment of 3 January 2013, Alternatively Motion for Reconsideration, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3)(Sprague, Jeremiah) (Entered: 01/31/2013)
01/31/2013	<u>283</u> (p.10735)	Request/Statement of Oral Argument by Clarence Hill regarding <u>282</u> (p.10708) MOTION to Alter Judgment <u>272</u> (p.10448) Judgment (Sprague, Jeremiah) (Entered: 01/31/2013)
02/06/2013	<u>285</u> (p.10738)	Minute Order. Proceedings held before Magistrate Judge Joseph C. Wilkinson, Jr: Defendant Exxon Mobil's Motion to Intervene, Record Doc. No. 268 is GRANTED. Having conferred with Judges Vance and Fallon, the undersigned will issue a separate severance and transfer order. (tbl) (Entered: 02/07/2013)
02/07/2013	<u>284</u> (p.10737)	ORDER DENYING <u>283</u> (p.10735) Request/Statement of Oral Argument on <u>282</u> (p.10708) MOTION to Alter Judgment <u>272</u> (p.10448) Judgment filed by Clarence Hill. Signed by Chief Judge Sarah S. Vance on 2/7/13.(jjs,) (Entered: 02/07/2013)
02/07/2013	<u>286</u> (p.10741)	Intervenor COMPLAINT filed by Exxon Mobil Corporation.(tbl) (Entered: 02/07/2013)
02/07/2013	<u>287</u> (p.10746)	SEVERANCE AND TRANSFER ORDER: It appears to the court that the claim asserted in the recently permitted intervention complaint filed by Exxon Mobil in the above-captioned case, Record Doc. No. 268-4, involves subject matter that comprises a material part of the subject matter or operative facts of Civil Action No. 12-454 "L"(3). Local Rules 3.1 and 3.1.1. Accordingly, having conferred with Judges Vance and Fallon, who concur, IT IS ORDERED that the recently permitted complaint in intervention filed by Exxon Mobil in Civil Action No. 11-2786 "R"(2) is hereby severed from C.A. No. 11-2786, and the severed intervention is hereby transferred to Section "L"(3) for further handling and/or possible consolidation with C.A. No. 12-454. The Clerk of Court is hereby directed to assign a new Civil Action Number and maintain a separate docket sheet for the severed complaint in intervention. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 2/7/13.(tbl) (Entered: 02/07/2013)

02/07/2013	<u>288</u> (p.10747)	BILL OF COSTS by Chevron USA Inc, Shell Oil Company. Matter to be submitted on 02/21/2013 at 10:00 a.m. before Clerk of Court. Any opposition should be filed within 14 days of the filing of this document. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Notice of Submission)(Mollere, Chadwick) (Entered: 02/07/2013)
02/19/2013	<u>289</u> (p.10823)	RESPONSE/MEMORANDUM in Opposition filed by Chevron USA Inc, Shell Oil Company re <u>282</u> (p.10708) MOTION to Alter Judgment <u>272</u> (p.10448) Judgment . (Attachments: # <u>1</u> Exhibit)(Grossman, Louis) (Entered: 02/19/2013)
02/19/2013	<u>290</u> (p.10840)	RESPONSE/MEMORANDUM in Opposition filed by Chevron USA Inc re <u>271</u> (p.10427) MOTION for APPEAL/REVIEW OF MAGISTRATE JUDGE DECISION to District Court re <u>256</u> (p.8966) Order on Motion for Protective Order . (Grossman, Louis) (Entered: 02/19/2013)
02/19/2013	291	Correction of Docket Entry by Clerk re <u>290</u> (p.10840) Response/Memorandum in Opposition to Motion. Document's signature line is either incomplete or blank. All future documents must reflect either an original signature or an electronic signature of the filing attorney following the format 's/ (attorney name)'. No further action is necessary. (mmm) (Entered: 02/19/2013)
03/13/2013	<u>292</u> (p.10854)	Bill of Costs Taxed in amount of \$26,014.63. Signed by Clerk (mmm) (Entered: 03/13/2013)
03/26/2013	<u>293</u> (p.10855)	In light of plaintiff's <u>271</u> (p.10427) MOTION for APPEAL/REVIEW OF MAGISTRATE JUDGE DECISION to District Court, plaintiff is ORDERED to deliver the document at issue to the Court for in camera review before 2:00 p.m. on 4/2/13. Signed by Chief Judge Sarah S. Vance on 3/26/13.(jjs,) (Entered: 03/26/2013)
04/30/2013	<u>294</u> (p.10856)	ORDER AND REASONS denying <u>271</u> (p.10427) MOTION for APPEAL OF MAGISTRATE JUDGE DECISION to District Court. Signed by Chief Judge Sarah S. Vance on 4/30/13. (Copy to Mag 2) (jjs,) (Entered: 04/30/2013)
04/30/2013	<u>295</u> (p.10862)	ORDER AND REASONS denying <u>282</u> (p.10708) Motion to Alter Judgment. Signed by Chief Judge Sarah S. Vance on 4/30/13. (jjs,) (Entered: 04/30/2013)
05/22/2013	<u>296</u> (p.10869)	NOTICE OF APPEAL by Clarence Hill as to <u>272</u> (p.10448) Judgment. (Filing fee \$ 455, receipt number 053L-3980383.) (Sprague, Jeremiah) Modified on 5/23/2013 (caa,). (Entered: 05/22/2013)
05/23/2013	297	Correction of Docket Entry by Clerk re <u>296</u> (p.10869) Notice of Appeal. Document should have been linked to another document by checking the box 'Should the document you are filing link to another document'. Clerk took corrective action by linking document to document <u>272</u> (p.10448) .(caa,) (Entered: 05/23/2013)
06/03/2013	<u>299</u> (p.10871)	APPEAL TRANSCRIPT REQUEST by Clarence Hill re <u>296</u> (p.10869) Notice of Appeal. (mmm) (Entered: 06/05/2013)

Tab 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

EXXON MOBIL CORPORATION

vs.

CLARENCE HILL, TIMOTHY J. FALCON,
JEREMIAH A. SPRAGUE, and FRANK M.
BUCK, JR.

CIVIL ACTION NO. 13-236

SECTION "L"

MAGISTRATE "3"

NOTICE OF APPEAL

Notice is hereby given that Exxon Mobil Corporation, plaintiff in intervention in the above named case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Order and Reasons entered in this action on June 28, 2013.

Respectfully submitted,
ADAMS AND REESE LLP

/s/ Martin A. Stern

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Counsel for Exxon Mobil Corporation

CERTIFICATE OF SERVICE

I certify that on July 29, 2013, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for all parties by operation of the Court's electronic filing system.

/s/ Martin A. Stern

Tab 4

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

EXXON MOBIL CORPORATION

versus

CLARENCE HILL, TIMOTHY J. FALCON,
JEREMIAH A. SPRAGUE, and FRANK M.
BUCK, JR.

CASE NO. 13-236

Section L

Magistrate Division 3

NOTICE OF APPEAL

Notice is hereby given that Exxon Mobil Corporation, plaintiff in intervention in the above named case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Judgment entered in this action on August 28, 2013.

/s/ Martin A. Stern

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*Attorneys for Exxon Mobil Corporation,
plaintiff in intervention*

Certificate of Service

On September 9, 2013, I electronically filed this paper with the clerk of court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Frank M. Buck, Jr.
bucklaw@cavtel.net

Jeremiah A. Sprague
jerry@falconlaw.com

Timothy John Falcon
tim@falconlaw.com

/s/ Martin A. Stern

Martin A. Stern

Tab 5

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

EXXON MOBIL CORPORATION

CIVIL ACTION

VERSUS

NO. 13-236

CLARENCE HILL, ET AL

SECTION: L

J U D G M E N T

Considering the Court's Orders and Reasons entered herein on June 28, 2013,
accordingly:

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment in favor of
Intervenor Defendants Frank M Buck, Jr, Jeremiah A. Sprague, Clarence Hill and Timothy J
Falcon and against Intervenor Plaintiff, Exxon Mobil Corporation, dismissing Exxon Mobil
Corporation's claims against Frank M Buck, Jr, Jeremiah A. Sprague, Clarence Hill and
Timothy J Falcon, with prejudice and with costs.

New Orleans, Louisiana, this 28th day of August, 2013.



**ELDON E. FALLON
UNITED STATES DISTRICT JUDGE**

Tab 6

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

EXXON MOBIL CORPORATION

CIVIL ACTION

VERSUS

NO. 13-236

CLARENCE HILL, ET AL.

SECTION "L" (3)

ORDER AND REASONS

The Court has received Plaintiff Exxon Mobil Corporation's Motion to Enforce Attorney-Client Privilege (Rec. Doc. 3) and Defendants' Motion to Stay (Rec. Doc. 4). The Court has reviewed the briefs and the applicable law and heard oral argument, and now issues this Order and Reasons.

I. BACKGROUND

This case arises out of the inadvertent production of an allegedly privileged document in toxic tort litigation. Three of the Defendants in Intervention, Timothy Falcon, Jeremiah Sprague, and Frank Buck, are plaintiff's attorneys who have been pursuing naturally occurring radioactive material ("NORM") litigation against Exxon in state and federal court for several years. The fourth Defendant in Intervention, Clarence Hill, is the plaintiff in *Clarence Hill v. Exxon Mobil Corp., et al.*, No. 11-2786, the case in which this intervention originated.

The document at issue is the "Stein Memorandum," which was written by Exxon's in-house counsel and addressed to an Exxon employee. Exxon inadvertently produced the Stein Memorandum to Falcon and Sprague in August 2009, during discovery in one of the state court NORM cases. Exxon learned of the production in early December 2009. On December 8, 2009, Exxon sent a letter to Falcon notifying him of the inadvertent production pursuant to Louisiana Code of Civil Procedure article 1424(D) and requesting that the original CDs and all copies be

returned. Exxon Mobil also sent revised CDs, which clawed back the Stein Memorandum, and submitted a privilege log identifying the document as subject to attorney-client privilege. On December 15, 2009, Falcon returned the original CDs. He allegedly did not mention that he and Sprague had retained copies of the Stein Memorandum. Falcon also allegedly did not assert at that time that the privilege had been waived.

Since then, Falcon and Sprague have apparently shared the Stein Memorandum with other attorneys, and various parties have attempted to introduce the Stein Memorandum against Exxon in NORM cases. For example, John Clegg attempted to introduce the Stein Memorandum in a case in the 24th JDC for the Parish of Jefferson, *Lester, et al. v. Exxon Mobil Corp., et al.*, No. 630-402 (the “Lester Jefferson case”), in support of a claim for punitive damages. Judge John L. Peytavin sustained an objection and ruled that the document was privileged and inadmissible. (Rec. Doc. 3-2 at 34-36). Buck attempted to introduce the Stein Memorandum in a case in Civil District Court for the Parish of Orleans, *Lester, et al. v. Exxon Mobil Corp., et al.*, No. 2002-19657 (the “Lester Orleans case”), again in support of a claim for punitive damages. Judge Ethel Simms Julien initially held that the Stein Memorandum was not covered by the attorney-client privilege, because its contents were analogous “to an attorney attempting to ask their client to testify falsely.” (Rec. Doc. 14-2 at 3). Later, however, Judge Julien withdrew her ruling on the grounds that Buck had not provided sufficient notice of his intention to use the document. (Rec. Doc. 3-2 at 65-66).

In January 2012, Sprague notified Exxon that he intended to use the Stein Memorandum in an upcoming trial in the 24th JDC, *Oleszkowicz v. Exxon Mobil Corp., et al.*, No. 695645 (the “Oleszkowicz case”). Exxon asked Sprague to return the document, but Sprague refused. On February 17, 2012, Exxon filed a Complaint in this Court, naming as defendants Falcon, Sprague, Buck, and their respective law firms. *See Exxon Mobil Corp. v. Timothy J. Falcon, et*

al., No. 12-454. Exxon sought a declaratory judgment that the Stein Memorandum was protected by the attorney-client privilege and that the privilege had not been waived. (No. 12-454, Rec. Doc. 1). Moreover, Exxon sought an injunction requiring Defendants to return the Stein Memorandum and refrain from disseminating or attempting to use it. *Id.* On the same day, Exxon also filed a motion for a TRO (which the Court denied) and preliminary injunction. (No. 12-454, Rec. Docs. 2, 7).

On February 27, 2012, the Court issued an Order and Reasons denying the motion for a preliminary injunction and staying the case indefinitely. (No. 12-454, Rec. Doc. 17). The Court found several aspects of Exxon's motion to be problematic. First, the Court emphasized that the Louisiana state court system would be fully competent (and likely better equipped) to adjudicate the privilege issues, and that by filing the federal court case, Exxon was attempting to "short-circuit the normal functioning of the Louisiana state courts." *Id.* at 4. Furthermore, the Court cited "grave doubts about whether it ha[d] subject matter jurisdiction" over Exxon's claims. *Id.* at 5.¹ As a practical matter, the Court noted that if it accepted cases like this, its docket would dramatically expand. The Court also found Exxon's Complaint troubling on a conceptual level, primarily because "the relief sought could seriously impinge on the proper balance of comity and federalism between the concurrent state and federal judicial systems." *Id.* at 7. Following this Court's denial of Exxon's motion, Sprague did in fact attempt to introduce the Stein Memorandum into evidence in the Oleszkowicz case, and Judge Robert A. Pitre, Jr. held that the document was admissible, finding that it was "clearly an attempt to subvert evidence of the test

¹ The Court disagreed with the Defendants that abstention would be appropriate, since "[a]bstention implies that there is subject matter jurisdiction but for some other policy reason, a court refrains from exercising that power to hear the merits of a case." *Wallace v. La. Citizens Prop. Ins. Corp.*, 444 F.3d 697, 701 (5th Cir. 2006). The Court noted the same concern with respect to the Anti-Injunction Act. *See Health Net, Inc. v. Wooley*, 534 F.3d 487, 493 (5th Cir. 2008).

results.” (Rec. Doc. 16-2 at 2).

The instant case arises out of yet another individual NORM suit that was originally filed in Jefferson Parish, but subsequently removed and assigned to Section R of this Court. *See Hill v. Exxon Mobil Corp., et al.*, No. 11-2786. Clarence Hill, the plaintiff in that case, alleged that he had been exposed to radiation while working in a pipe cleaning facility, and that the defendants (including Exxon) had knowingly concealed from him the risks of that exposure. On October 1, 2012, the Court granted a joint motion to dismiss Hill’s claims against Exxon and another defendant with prejudice. (No. 11-2786, Rec. Doc. 140). The case remained open against other defendants, however.

On December 19, 2012, Hill filed a motion to exclude one of the other defendant’s expert witnesses under *Daubert* and Federal Rule of Evidence 702. (No. 11-2786, Rec. Doc. 258). Hill attached the Stein Memorandum as an exhibit to that motion. (No. 11-2786, Rec. Doc. 258-11). On January 1, 2013, Exxon moved to intervene in the *Hill* case for the limited purpose of asserting the attorney-client privilege with respect to the Stein Memorandum. (No. 11-2786, Rec. Doc. 268). The motion was referred to Magistrate Judge Wilkinson. On February 6, 2013, after conferring with both Chief Judge Vance and this section of the Court, Magistrate Judge Wilkinson granted Exxon’s motion to intervene. (No. 11-2786, Rec. Doc. 285). Judge Wilkinson stated: “Since the [Stein Memorandum] has now actually been filed in this court’s public record, the potential prejudice to Exxon is substantial if it is precluded from attempting to remove it.” *Id.* at 2. Judge Wilkinson further stated that severance and transfer to this section of the Court would be appropriate, given “[t]he unusual circumstance of the pendency of a separate suit – currently stayed – filed by Exxon in this court concerning the same claim and already addressed in substantial part by another judge of this court.” *Id.* On February 7, 2013, the intervention was severed and transferred to this section of the Court. (No. 13-236, Rec. Doc. 1).

II. PRESENT MOTIONS

Two motions are presently before the Court. Defendants in Intervention have filed a Motion to Stay. (Rec. Doc. 4). They argue that a stay is appropriate in this case because Exxon was dismissed from *Hill* with prejudice, and the remaining claims in the case have also now been dismissed with prejudice. Moreover, Defendants argue that the relief Exxon seeks is identical to the relief it sought in the 12-454 case, in that Exxon is asking this Court to consider what evidence may or may not be considered by other trial courts in other matters. Exxon opposes the motion (Rec. Doc. 13) and argues that it has already been granted leave to proceed with its complaint in intervention, and that the relief sought here is different because only this Court is involved.

Exxon has filed a Motion to Enforce Attorney-Client Privilege. (Rec. Doc. 3). Exxon argues that abstention no longer applies, as Exxon is now seeking to have a document stricken from a proceeding in this Court, rather than state court. Exxon then asserts that the Stein Memorandum is privileged under Louisiana law, because it consists of legal advice that Exxon's in-house counsel gave to a company employee. Exxon also argues that other courts have excluded the Stein Memorandum from evidence, that it has never waived the privilege, and that the crime-fraud exception does not apply. In opposition to Exxon's motion (Rec. Doc. 14), Defendants raise multiple procedural objections to Exxon's motion, arguing primarily that the lack of service on Falcon, Sprague, and Buck means that Exxon's motion is premature. Defendants also argue that the attorney-client privilege does not apply to the Stein Memorandum, either because it contains business advice rather than legal advice, or because the crime-fraud exception to the privilege applies.

III. LAW AND ANALYSIS

A. Defendants' Motion to Stay

Defendants in Intervention argue that a stay of Exxon's motion is appropriate for two main reasons. First, Defendants argue that Hill's claims against Exxon and the other *Hill* Defendants have now been dismissed with prejudice, meaning that there are no compelling or exigent circumstances requiring the Court to rule on Exxon's motion.² Second, Defendants argue that the relief Exxon seeks is identical to the relief it sought in the 12-454 case. Defendants suggest that the Court cannot rule here without imposing jurisdiction in all the pending matters in this court and other courts, including various state courts.

Exxon responds by emphasizing that it has already been granted leave to intervene, and therefore, it is a proper party to the case. Furthermore, Exxon points out that Judge Wilkinson's order allowing the intervention recognizes that Exxon has a strong interest in moving forward as soon as possible, since the Stein Memorandum is now part of the public record. Exxon also emphasizes that this Court has already conferred with Judge Wilkinson and Chief Judge Vance, and determined that the intervention should be severed and transferred to this Court, so it is not logical to suggest that the intervention should not move forward just because the *Hill* case is closed.

Hill and his counsel have not cited sufficient justification for this Court to stay the case. Although the *Hill* case is closed, Exxon has already received leave to intervene based on the filing of the Stein Memorandum into the record of that case. Moreover, Defendants in Intervention are not correct that this Court's ruling will impose jurisdiction on any other pending

² When Defendants filed their motion to stay, two motions were still pending in the *Hill* case. (No. 11-2786, Rec. Docs. 271, 282). Since then, the Court has denied both motions. (No. 11-2786, Rec. Docs. 294, 295). Hill has subsequently filed a Notice of Appeal. (No. 11-2786, Rec. Doc. 296).

matters in state and federal court. Unlike the 12-454 case, which explicitly asked this Court to extend the effect of its own evidentiary ruling to other courts, the present Complaint in Intervention extends to the *Hill* case only. The Court will accordingly deny the motion to stay, but with the strong caveat that its ruling should have no effect on other pending NORM cases, and that other Judges should continue to rule on the privilege issue on a case-by-case basis.

B. Exxon's Motion to Enforce Privilege

1. Procedural Arguments

In addition to their request that the Court stay the entire case, Defendants raise two procedural objections to Exxon's motion. First, Defendants argue that they have not been properly served in this case, and therefore, Exxon's motion is premature. Defendants concede that Hill has been properly served, since he was a party to *Hill*, but Falcon, Sprague, and Buck argue that the record contains no evidence of proper service on them. Because of this purported lack of service, they argue that they have not had the opportunity to file responsive pleadings and thus have not been able to plead any defenses, such as lack of personal jurisdiction. Defendants also argue more generally that Exxon is trying to skip to the end of the case by invoking its prayer for relief in the form of a motion.

Exxon responds that service is proper under the Federal Rules of Civil Procedure and this Court's local rules. Federal Rule of Civil Procedure 24(c) states: "A motion to intervene must be served on the parties as provided in Rule 5." Rule 5(d)(3) states that a court may allow electronic filing in its local rules, and Local Rule 5.1 requires that documents be filed in accordance with the Court's electronic filing procedures. Those procedures state that an attorney's registration as a Filing User constitutes consent to electronic service of all documents as permitted by local rules and the Federal Rules of Civil Procedure, and that the "Notice of Electronic Filing" generated by the ECF system constitutes electronic service. Therefore, the Court agrees that

Exxon has properly served its Complaint in Intervention on Hill and his counsel.³

Second, Defendants object to Exxon's failure to move to consolidate this case with the 12-454 case. They argue that when Exxon learned that the Stein Memorandum would be filed in *Hill*, it could have requested that this Court lift the stay on the 12-454 case, but instead, it attempted to have Chief Judge Vance rule on the same issue presented in the 12-454 case. But Exxon correctly points out that the two cases are substantially different, because the 12-454 case involved a request for injunctive relief in future state court proceedings, whereas *Hill* involved the filing of the Stein Memorandum in federal court. Furthermore, as Exxon argues, the standard for transfer (the "subject matter" involved "comprises all or a material part of the subject matter or operative facts of another action," LR 3.1) is lower than the standard for consolidation (the cases involve a "common question of law or fact," Fed. R. Civ. P. 42(a)). Accordingly, the Court will not deny Exxon's motion on the basis that Exxon has not moved to consolidate the two cases.

2. Substantive Arguments

The Louisiana Code of Civil Procedure provides that inadvertent disclosure of privileged material does not waive the privilege as long as certain conditions are met:

A disclosure of a communication or information covered by the attorney-client privilege or work product protection does not operate as a waiver if the disclosure is inadvertent and is made in connection with litigation or administrative proceedings, and if the person entitled to assert the privilege or work product protection took reasonably prompt measures, once the holder knew of the disclosure, to notify the receiving party of the inadvertence of the disclosure and the privilege asserted. Once notice is received, the receiving party shall either return or promptly safeguard the

³ Moreover, the Court is puzzled by Defendants' suggestion that this Court might lack personal jurisdiction over the attorneys of record in another case before the Court, in an intervention arising out of their conduct in that case. The Court finds it difficult to imagine that it might lack personal jurisdiction in these circumstances.

inadvertently disclosed material, but with the option of asserting a waiver. Even without notice of the inadvertent disclosure from the sending party, if it is clear that the material received is privileged and inadvertently produced, the receiving party shall either return or promptly safeguard the material, and shall notify the sending party of the material received, but with the option of asserting a waiver.

La. Code Civ. P. art 1424(D). In this case, it appears to be undisputed that Exxon disclosed the Stein Memorandum inadvertently. Nor do Defendants raise arguments relating to Exxon's conduct after learning of the disclosure.⁴ The main dispute in this case is whether the Stein Memorandum is privileged at all.

Louisiana Code of Evidence article 506(B)(1) states that the attorney-client privilege extends to a confidential communication “[b]etween the client or a representative of the client and the client’s lawyer or representative of lawyer” that is “made for the purpose of facilitating the rendition of professional legal services to the client.”⁵ In order for a communication between a client and attorney to qualify as privileged, “[t]he client’s intention in communicating with legal counsel must be to obtain *legal advice or assistance*.” Paul R. Rice, *Attorney-Client Privilege in the United States* § 7:1 (2d ed.). “The nature of the client’s intent poses a factual question that can often be decided from the circumstances . . . and content of the communication in question.” *Id.*

Communications with in-house corporate counsel are sometimes, but not always, privileged. *See* La. Code Evid. art 506, cmt. d (noting that in-house counsel are not explicitly excluded from article 506). “Generally, there is no intracorporate privilege between two

⁴ Exxon argues in its brief that it has not waived the privilege, and Defendants do not respond to those arguments in their opposition brief.

⁵ Exxon argues that Louisiana law should govern this issue because *Hill* is a diversity case. Exxon is correct under Federal Rule of Evidence 501, which provides that “state law governs privilege regarding a claim or defense for which state law supplies the rule of decision.”

corporate employees. However, communications to ‘in house’ counsel about legal services may fall within the privilege, either as a communication by client to attorney or as a communication between representatives of the client.” La. Civ. L. Treatise, Evidence and Proof § 8.6 (2012 ed.). In other words, “the privilege is triggered only by a client’s request for legal, as contrasted with business, advice.” *In re Grand Jury Subpoena Duces Tecum*, 731 F.2d 1032, 1037 (2d Cir. 1984). Although there may be an “unstated operating presumption” that communications with outside counsel constitute legal advice, this presumption does not apply to communications with in-house counsel “because of the many nonlegal responsibilities in-house counsel assumes.” Rice, *Attorney-Client Privilege* at § 7:1. Thus, communications to and from in-house counsel are privileged “only upon a clear showing that [in-house counsel] gave [advice] in a professional legal capacity.” *Id.* (quoting *In re Sealed Case*, 737 F.2d 94, 99 (D.C. Cir. 1984)). With respect to communications that relate to both business and legal advice, the general rule is that “the protection of the privilege applies only if the *primary* or *predominate purpose* of the attorney-client consultation is to seek legal advice or assistance.” *Id.* at § 7:5.

Exxon argues that the Stein Memorandum constitutes communication between an employee and corporate counsel for the purpose of providing legal advice, and therefore, the document is privileged. Specifically, Exxon notes that the Stein Memorandum was written by an in-house Exxon attorney, who is identified as “counsel,” and addressed to an Exxon employee and copied only to other Exxon employees. Exxon argues that the document contains legal advice regarding the use and disposition of tables reflecting results of air-sample tests performed by an Exxon industrial hygienist; Exxon explains that when the Stein Memorandum was written, Exxon was considering a contract with Intracoastal Pipe Repair and Supply Company (“ITCO”), and Exxon’s industrial hygienist performed the tests at the request of counsel for the purpose of due diligence. Exxon also submits affidavit testimony from both Ms. Stein and Mr. Guidry (the

Exxon employee to whom the document was addressed) supporting these contentions. (Rec. Doc. 3-2 at 1-5). Both state that Guidry met with Stein for the purpose of obtaining her legal advice on Guidry's response to ITCO, and that they considered the document to be a confidential attorney-client communication. *Id.*

Defendants respond by arguing that the Stein Memorandum is not privileged because it conveys facts acquired from persons or sources other than the client, and because it provides business advice rather than legal advice. Defendants emphasize that the Stein Memorandum contains factual information—specifically, dust and radiation measurements taken by Exxon's industrial hygienist—and that this factual information is memorialized in the document. Defendants argue that the concealed information is not proprietary business information. Furthermore, Defendants argue that Exxon has not sufficiently explained how the contents of the Stein Memorandum constituted legal advice, rather than business advice, and therefore, Exxon has not met its burden of establishing that the attorney-client privilege applies.

The Court agrees with Defendants in Intervention that Exxon has not met its burden of demonstrating that Guidry consulted Stein for legal advice, rather than business advice. The Court considers three main pieces of evidence in reaching this conclusion: the Stein Memorandum itself, and Guidry's and Stein's affidavits that Exxon has submitted in support of its motion. None of these three documents provide an adequate basis for the Court to conclude that Stein was providing Guidry with legal advice.

Guidry's and Stein's affidavits both state that Stein advised Guidry not to include the additional tables because they contained "Exxon's internal corporate property," or test results "taken and prepared for Exxon's internal use," which Exxon was not obligated to share. (Rec. Doc. 3-2 at 2, 5). However, these assertions are not enough to demonstrate that the "primary or predominant" purpose of Guidry's consultation with Stein was for Stein to provide legal advice,

particularly in light of the fact that the Stein Memorandum itself does not contain any reference to a legal justification for Stein's advice, or legal concerns prompting Guidry to seek such advice. When Guidry's consultation with Stein occurred, Exxon was in the process of negotiating a contract with ITCO. Thus, it appears from the face of the document that the primary purpose of Stein's advice to Guidry was to help secure more favorable contract terms, and Exxon's submitted affidavits are not sufficiently persuasive to compel a different conclusion.

The Court might have reached a different result if Guidry or Stein had been able to identify a more specific legal concern that prompted Stein's advice. But that is not the case here. The Court believes that the primary motivation for Stein's advice was to contribute toward Exxon's business interests, rather than protect it from potential litigation by ITCO or provide other legal advice. Accordingly, the Court concludes that the Stein Memorandum is not privileged and will deny Exxon's motion.⁶

IV. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Exxon's motion to enforce (Rec. Doc. 3) is DENIED. IT IS FURTHER ORDERED that Defendants' motion to stay (Rec. Doc. 4) is DENIED.

New Orleans, Louisiana, this 28th day of June, 2013.


UNITED STATES DISTRICT JUDGE

⁶ Because the Court concludes that the Stein Memorandum did not contain legal advice, it does not reach the issue of whether the crime-fraud exception applies in this case.

Tab 7

Certificate of Service

On November 25, 2013, I caused this paper to be filed electronically with the Clerk of the 5th Circuit Court of Appeal through ECF, which sent an e-mail notice of the electronic filing to the persons listed below.

According to written consent by the parties and Fed. R. App. P. 25(c)(1)(D), I served a copy of the foregoing document to the persons listed below by e-mail.

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