

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

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

MDL Docket No. 2179

REQUESTS FOR ORAL ARGUMENTS

Pursuant to Panel Rule 11.1.2(b), Plaintiffs Bridget Sprinkle, David Secor, Joseph Cain, Sean Johnson, Tommy G. Cain, William R. Sprinkle, William Clay McClain, Somvang Pakhamma, Kimberly Johnson, and Vannalinh Pakhamma, represented by Taylor • Martino, P.C., in conjunction with JESCO Construction Corporation of Delaware, represented by Brent Coon & Associates, submit this request for oral arguments pursuant to the document entitled, “INTERESTED PARTY RESPONSE OF PLAINTIFFS JESCO CONSTRUCTION CORPORATION OF DELAWARE, ET AL. TO BP AMERICA INC.’S MOTION AND SUPPORTING BRIEF TO TRANSFER RELATED ACTIONS TO EASTERN DISTRICT OF LOUISIANA FOR INCLUSION IN MDL PROCEEDINGS.” Interested party requests oral argument based on the following:

1. Plaintiffs did not plead nor seek any recovery under any Federal statute or Regulation, nor did Plaintiffs plead or claim relief under the Outer Continental Shelf Lands Act (“OCSLA”). Therefore, if there is no federal jurisdiction, the transfer into the MDL 2179 is inappropriate and a waste of federal judicial resources.

2. This is a novel issue of law and a simple contract matter that should be remanded to state court. Defendant is attempting to immunize itself from any and all State court actions based on the OCSLA, which Plaintiff contends is an improper application of the statute.

3. Additionally, the federal courts do not have original jurisdiction under OCSLA pursuant to the Fifth Circuit's "focus-of-the-contract test" because the Vessels of Opportunity agreements were to be performed on the high seas.

Wherefore, Interested Party respectfully request that the Panel refrain from ruling on MDL consolidation until oral arguments can be heard.

Respectfully submitted,

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Certificate of Service

I certify that a copy of the foregoing has been served on all counsel of record who have consented to electronic notification via the CM/ECF system, pursuant to Rule 4.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation.

/s/ Edward P. Rowan

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