

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: LOUISIANA COASTAL ZONE  
LAND LOSS LITIGATION**

MDL No. 2856

**ORDER DENYING TRANSFER**

**Before the Panel:**\* Certain energy company defendants<sup>1</sup> move under 28 U.S.C. § 1407 to centralize pretrial proceedings in this litigation in the Eastern District of Louisiana. The litigation consists of 41 actions, 29 in the Eastern District of Louisiana and 12 in the Western District of Louisiana, as listed on Schedule A. The Panel has been notified of one additional action involving related issues, which is pending in the Eastern District of Louisiana.

Responding plaintiffs the Parishes of Plaquemines, Jefferson, Cameron, and St. Bernard, and District Attorneys Keith Stutes and Bridget Dinvaut oppose centralization, as do plaintiff-intervenors the State of Louisiana, through the Department of Natural Resources, Office of Coastal Management, and its Secretary, Thomas F. Harris, and the State of Louisiana *ex rel.* Jeff Landry, Attorney General. Defendant Cox Operating, L.L.C., supports centralization in the Eastern District of Louisiana.

On the basis of the papers filed and the hearing session held, we conclude that centralization is not necessary for the convenience of the parties and witnesses or to further the just and efficient conduct of this litigation. The 41 actions broadly implicate certain common factual questions concerning the reasons why five Louisiana parishes (Plaquemines, Cameron, Jefferson, St. Bernard, and Vermilion) have been experiencing coastal land loss and other damage, and more specifically, the extent, if any, to which defendants' oil and gas exploration, production, and transportation

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\* Judges Sarah S. Vance and Lewis A. Kaplan took no part in the decision of this matter. Certain other Panel members have interests that normally would disqualify them under 28 U.S.C. § 455 from participating in the decision of this matter. Accordingly, the Panel invoked the Rule of Necessity, and those members participated in the decision of this matter in order to provide the forum created by the governing statute, 28 U.S.C. § 1407. *See In re Adelpia Commc'ns Corp. Sec. & Derivative Litig. (No. II)*, 273 F. Supp. 2d 1353 (J.P.M.L. 2003); *In re Wireless Tel. Radio Frequency Emissions Prods. Liab. Litig.*, 170 F. Supp. 2d 1356, 1357-58 (J.P.M.L. 2001).

<sup>1</sup> Moving defendants are Chevron U.S.A., Inc., Chevron U.S.A. Holdings Inc., The Texas Company, The Union Oil Company of California, Chevron Pipe Line Company, ConocoPhillips Company, Burlington Resources Oil & Gas Company LP, The Louisiana Land and Exploration Company LLC, Exxon Mobil Corporation, Mobil Oil Exploration & Producing Southeast, Inc., Atlantic Richfield Company, BP America Production Company, and BP Products North America Inc.

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activities in those parishes have contributed to that loss. But each action involves oil and gas operations conducted in a different “Operational Area,” and is brought against a different cast of defendants. Moving defendants do not contend that the various oil and gas fields in these Operational Areas were developed at the same time or operated in the same manner. Similarly, defendants do not assert that other possible causes of land loss and damage are the same from Operational Area to Operational Area. Although issues concerning federal and state regulation of the oil and gas industry and certain industry practices may be common across the actions, the nature of these cases suggests that most pretrial proceedings, particularly discovery, will be largely individualized.

Aside from the preponderance of individualized issues, centralization under Section 1407 does not appear necessary. Plaintiffs and plaintiff-intervenors represent that they are amenable to Section 1404 transfer of the Western District of Louisiana cases to the Eastern District of Louisiana for possible consolidation. Even if such transfer is not administratively practicable, as defendants contend, the 41 cases are pending in two adjacent districts. Informal coordination by the involved courts and cooperative efforts by counsel thus should be feasible to avoid or minimize duplicative pretrial proceedings.

IT IS THEREFORE ORDERED that the motion for centralization of these actions is denied.

PANEL ON MULTIDISTRICT LITIGATION



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Marjorie O. Rendell  
Acting Chair

Charles R. Breyer  
R. David Proctor

Ellen Segal Huvelle  
Catherine D. Perry

**IN RE: LOUISIANA COASTAL ZONE  
LAND LOSS LITIGATION**

MDL No. 2856

**SCHEDULE A**

Eastern District of Louisiana

PLAQUEMINES PARISH, ET AL. v. ROZEL OPERATING COMPANY, ET AL.,  
C.A. No. 2:18-05189

JEFFERSON PARISH, ET AL. v. DESTIN OPERATING COMPANY, INC., ET AL.,  
C.A. No. 2:18-05206

PARISH OF PLAQUEMINES, ET AL. v. HILCORP ENERGY COMPANY, ET AL.,  
C.A. No. 2:18-05210

JEFFERSON PARISH, ET AL. v. ANADARKO E&P ONSHORE, LLC, ET AL.,  
C.A. No. 2:18-05213

PLAQUEMINES PARISH, ET AL. v. EXCHANGE OIL & GAS CORPORATION,  
ET AL., C.A. No. 2:18-05215

PLAQUEMINES PARISH v. RIVERWOOD PRODUCTION COMPANY, INC.,  
ET AL., C.A. No. 2:18-05217

PLAQUEMINES PARISH, ET AL. v. JUNE ENERGY, INC., ET AL.,  
C.A. No. 2:18-05218

PLAQUEMINES PARISH, ET AL. v. CHEVRON U.S.A., INC., ET AL.,  
C.A. No. 2:18-05220

ST. BERNARD PARISH, ET AL. v. ATLANTIC RICHFIELD COMPANY, ET AL.,  
C.A. No. 2:18-05222

JEFFERSON PARISH, ET AL. v. CHEVRON U.S.A. HOLDINGS, INC., ET AL.,  
C.A. No. 2:18-05224

PLAQUEMINES PARISH v. GREAT SOUTHERN OIL & GAS CO., INC., ET AL.,  
C.A. No. 2:18-05227

PLAQUEMINES PARISH v. NORTHCOAST OIL COMPANY, ET AL.,  
C.A. No. 2:18-05228

PLAQUEMINES, ET AL. v. CONOCOPHILLIPS COMPANY, ET AL.,  
C.A. No. 2:18-05230

PLAQUEMINES PARISH, ET AL. v. LINDER OIL COMPANY, ET AL.,  
C.A. No. 2:18-05231

PLAQUEMINES PARISH, ET AL. v. DEVON ENERGY PRODUCTION COMPANY,  
L.P., ET AL., C.A. No. 2:18-05234

PLAQUEMINES PARISH, ET AL. v. GOODRICH PETROLEUM COMPANY, LLC,  
ET AL., C.A. No. 2:18-05238

PLAQUEMINES PARISH v. APACHE OIL CORPORATION, ET AL.,  
C.A. No. 2:18-05240

JEFFERSON PARISH, ET AL. v. EQUITABLE PETROLEUM CORPORATION,  
ET AL., C.A. No. 2:18-05242

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**MDL No. 2856 Schedule A (Continued)**

JEFFERSON PARISH v. ATLANTIC RICHFIELD COMPANY, ET AL.,  
C.A. No. 2:18-05246  
JEFFERSON PARISH v. CANLAN OIL COMPANY, ET AL., C.A. No. 2:18-05252  
PLAQUEMINES PARISH v. TOTAL PETROCHEMICALS & REFINING USA,  
INC., ET AL., C.A. No. 2:18-05256  
JEFFERSON PARISH v. EXXON MOBIL CORPORATION, ET AL.,  
C.A. No. 2:18-05257  
PLAQUEMINES PARISH v. BEPCO, L.P., ET AL., C.A. No. 2:18-05258  
PLAQUEMINES PARISH v. PALM ENERGY OFFSHORE, L.L.C., ET AL.,  
C.A. No. 2:18-05259  
PLAQUEMINES PARISH v. HELIS OIL & GAS COMPANY, LLC, ET AL.,  
C.A. No. 2:18-05260  
PLAQUEMINES PARISH, ET AL. v. CASKIDS OPERATING COMPANY, ET AL.,  
C.A. No. 2:18-05262  
PLAQUEMINES PARISH v. HHE ENERGY COMPANY, ET AL.,  
C.A. No. 2:18-05263  
PLAQUEMINES PARISH, ET AL. v. CAMPBELL ENERGY CORPORATION,  
ET AL., C.A. No. 2:18-05264  
PLAQUEMINES PARISH, ET AL. v. LLOG EXPLORATION & PRODUCTION  
COMPANY, LLC, ET AL., C.A. No. 2:18-05265

Western District of Louisiana

CAMERON PARISH, ET AL. v. AUSTER OIL & GAS, INC., ET AL.,  
C.A. No. 2:18-00677  
CAMERON PARISH, ET AL. v. BALLARD EXPLORATION CO., INC., ET AL.,  
C.A. No. 2:18-00678  
CAMERON PARISH, ET AL. v. BRAMMER ENGINEERING, INC., ET AL.,  
C.A. No. 2:18-00679  
CAMERON PARISH, ET AL. v. BURLINGTON RESOURCES OIL & GAS CO. LP,  
ET AL., C.A. No. 2:18-00682  
CAMERON PARISH, ET AL. v. ALPINE EXPLORATION COMPANIES, INC.,  
ET AL., C.A. No. 2:18-00684  
CAMERON PARISH, ET AL. v. BAY COQUILLE, INC., ET AL.,  
C.A. No. 2:18-00685  
CAMERON PARISH, ET AL. v. ATLANTIC RICHFIELD CO., ET AL.,  
C.A. No. 2:18-00686  
CAMERON PARISH, ET AL. v. BP AMERICA PRODUCTION COMPANY, ET AL.,  
C.A. No. 2:18-00687  
CAMERON PARISH, ET AL. v. APACHE CORP. OF DELAWARE, ET AL.,  
C.A. No. 2:18-00688

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**MDL No. 2856 Schedule A (Continued)**

CAMERON PARISH, ET AL. v. ANADARKO E & P ONSHORE LLC, ET AL.,  
C.A. No. 2:18-00689

CAMERON PARISH, ET AL. v. BEPCO, L.P., ET AL., C.A. No. 2:18-00690  
STUTES, ET AL. v. GULFPORT ENERGY CORP., ET AL.,  
C.A. No. 6:18-00691