

News from

Gulf Oil Disaster Recovery Group

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VICTORY AGAINST BP IN LOUISIANA COURTS EXTENDED NATIONWIDE

NEW ORLEANS, LA (May 4, 2010)— After an emergency hearing in federal court, British Petroleum entered a consent agreement that affirms the legal rights of any U.S. citizen helping with cleanup efforts related to the Deepwater Horizon catastrophe.

On Sunday, the U.S. District Court Eastern District heard Louisiana's fishermen claim that they were not bound by offensive language in work agreements signed to participate in cleanup and mitigation efforts organized by BP. This consent agreement applies the same protections to any U.S. citizen, said Attorney Stuart Smith on behalf of the Gulf Oil Disaster Recovery Group (GODRG) legal team.

"A fisherman who cannot fish because of the pollution and who entered into a contract to help clean up BP's mess was required to forfeit or minimize his right to make a claim for losses related to the explosion and resultant oil spill," said co-counsel Calvin Fayard. "This may have been a shrewd tactic on BP's part, although its counsel argued it was a mistake. The outcome should protect some the rights of those whose livelihoods are most impacted by this incident."

The [consent agreement](#) protects fishermen's existing and future rights and potential legal claims. Attorney Jim Garner explained the offensive language in forms which BP required workers to sign that is now "null and void":

- BP, which is mandated to take 100 percent responsibility for the oil clean-up, demanded that the volunteers indemnify it for any accidents that might occur from the volunteers' efforts (Art. 13(F));
- BP demanded that the volunteers waive their First Amendment constitutional free speech rights about the volunteer's participation in the clean-up efforts of the disaster; for example, if a commercial fisherman signed this agreement he or she could not then speak to anyone about the disaster or clean-up efforts until BP first "approves" of what the volunteer wants to say (Art. 22);
- BP demanded a free-ride on the volunteers' insurance policies so that if there is damage to a volunteer's vessel or other injuries, such as to a crew member, BP will be an "additional insured" and the financial responsibility for the damage will rest on the volunteer's insurance carrier, NOT BP; quite obviously, the volunteers paid good money for this insurance and BP should not be allowed after-the-fact to worm their way into that contract so that it can attempt to avoid further legal responsibility for the very volunteers it is asking for aid and assistance; (Art. 13(A)); and
- BP demanded 30 days of notice before any volunteer is allowed to pursue legal claims against BP, and there are no exceptions made for emergencies (Art. 13(I) [sic (G)]).

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About:

Stuart H. Smith of the law firm Smith Stag, LLC, New Orleans, Louisiana has assembled a working group of lawyers from Texas, Louisiana, Mississippi, Alabama and Florida to prosecute claims for those who have been

affected by BP's Deepwater Horizon oil spill. Commercial fishermen and shrimpers have filed a class-action lawsuit against BP and owners of the oil rig for economic losses stemming from the disaster. The lawsuit was filed on Wednesday, April 28 in U.S. District Court in New Orleans. On Sunday, May 2, Judge Ginger Berrigan in the U.S. District Court for the Eastern District of Louisiana, after receipt of petition of Louisiana commercial fishermen, indicated the language in question in the Master Charter Agreement with BP was overbroad. Legal counsel for BP agreed to enter into a stipulated judgment holding that the offensive provisions are without effect.

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Copies of the Master Charter Agreement, Petition and Consent Judgment are available. Interview opportunities with Stuart Smith with Smith Stag Law Firm will be facilitated by emailing terriea@moore-pr.com or calling (850) 528-7668.