

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

**GEORGE BARISICH, individually and on behalf of
THE UNITED COMMERCIAL FISHERMAN'S
ASSOCIATION, INC.**

Plaintiff

Versus

**BP, P.L.C., BP EXPLORATION & PRODUCTION
INC., and BP AMERICA PRODUCTION COMPANY**

Defendants

Magistrate: 2

Civil Action Number: 10-1316

Section: N

Jury Demand

EX PARTE MOTION TO ENTER JOINT STIPULATION

NOW INTO COURT, through undersigned counsel, come Plaintiff, George Barisich, individually and on behalf of the United Commercial Fisherman's Association, Inc. as President thereof, and Defendant, BP America Production Company. Plaintiff and Defendant have agreed to

the Joint Stipulation attached hereto and submit same to this Court for entry.

Respectfully submitted,

/s/ James M. Garner

JAMES M. GARNER (# 19589)
TIMOTHY B. FRANCIS (# 14973)
JOSHUA S. FORCE (# 21975)
SHARONDA R. WILLIAMS (# 28809)
EMMA ELIZABETH ANTIN DASCHBACH (#27358)
Sher Garner Cahill Richter Klein & Hilbert, L.L.C.
909 Poydras Street, 28th Floor
New Orleans, Louisiana 70112-1033
Telephone: (504) 299-2100
Facsimile: (504) 299-2300

GLADSTONE N. JONES, III (# 22221)
EBERHARD D. GARRISON (# 22058)
KEVIN E. HUDDALL (# 26930)
H.S. BARTLETT III (# 26795)
JACQUELINE A. STUMP (# 31981)
Jones, Swanson, Huddell & Garrison, L.L.C.
Pan-American Life Center
601 Poydras Street, Suite 2655
New Orleans, LA 70130
Telephone: (504) 523-2500
Facsimile: (504) 523-2508

STUART H. SMITH # 17805
MICHAEL G. STAG
Smith Stag, L.L.C.
365 Canal Street, Suite 2850
New Orleans, LA 70130
(504) 593-9600
(504) 593-9601

VAL PATRICK EXNICIOS, ESQ.
Liska, Exnicios & Nungesser
One Canal Place 22nd Floor
365 Canal Street, Ste. 2290
New Orleans, LA. 70130
Telephone: (504) 410-9611
Facsimile: (504) 410-9937

THOMAS E. BILEK
KELLY COX BILEK
The Bilek Law Firm, L.L.P.
808 Travis, Suite 802
Houston, TX 77002
Telephone: (713) 227-7720
Facsimile: (713) 227-9404

CERTIFICATE OF SERVICE

I hereby certify that I have on this 18th day of May, 2010, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic notice of filing to all counsel of record.

/s/ James M. Garner
JAMES M. GARNER

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JOINT STIPULATION

NOW COMES Defendant, BP America Production Company ("BP"), together with Plaintiffs, George Barisich, individually and on behalf of the United Commercial Fisherman's Association, Inc. as President thereof ("Plaintiffs"), through their respective undersigned counsel, who hereby make the following Stipulation with respect to Article 2 of the Master Vessel Charter Agreement attached to Plaintiffs' Supplemental Verified Complaint for Declaratory and Injunctive Relief.

Article 2 currently reads in part:

ARTICLE 2. EMPLOYMENT AND SERVICES OF VESSEL

- A. During each CHARTER TERM, the VESSEL shall be employed exclusively for CHARTERER'S use as a vessel of opportunity in the carriage of CHARTERER'S employees, contractors, business invitees, equipment and provisions and in the performance of various tasks associated with oil spill response and containment efforts as directed by CHARTERER (hereinafter referred to as SERVICES). Such SERVICES shall include, but not be limited to, tending or deploying boom and skimming equipment, skimming operations, recovering oiled debris, collecting garbage, assistance with wildlife operations and towing equipment. *The VESSEL shall be required to attend training, participate in training exercises and drill to receive the necessary oil spill clean up credentials as appropriate to develop skills and procedures for oil spill response and containment.* The VESSEL shall be available and at CHARTERER's disposal for operation twenty-four (24) hours per day. The VESSEL shall not be used for any purpose other than performance of SERVICES during the CHARTER TERM.

The italicized sentences set forth in Article 2, A. above shall be deleted and replaced with the following:

BP, in cooperation with OSHA and the U.S. Coast Guard, has developed a training and safety program ("HORIZON Response Program" or "HRP") for VESSELS and VESSEL crews engaged in oil spill response activities under this CHARTER. The HRP was approved by OSHA on May 7, 2010 and received approval from the U.S. Coast Guard on May 8, 2010. Per OSHA and U.S. Coast Guard directives, the HRP is subject to continuous improvement processes. As of May 10, 2010, BP will ensure that all VESSEL crews engaged in oil spill response activities (1) receive all necessary training for such activities as per the HRP, (2) receive all necessary credentials for such activities as per the HRP, and (3) receive all necessary protective equipment for such activities as per the HRP.

Defendants further stipulate that the foregoing amendment will be effective with respect to any document containing the italicized portion of Article 2,A, whether that document is a Master Vessel Charter Agreement identical to or substantially similar to that attached to Plaintiffs' Supplemental Verified Complaint for Declaratory and Injunctive Relief or some other document, and regardless of the state in which that document is executed, the domicile or residence of the signatory to same, or the date of execution.

The court is to retain jurisdiction over further matters arising in this proceeding.

Respectfully submitted,

Counsel for Defendant, BP America Production Company



ANTONIO J. RODRIGUEZ (#11375)
ALANSON T. CHENAULT, IV (#20747)
MATT M. GRAY, III (#6264)
NORMAN C. SULLIVAN, JR. (#12754)
H. JAKE RODRIGUEZ (#27867)

Fowler Rodriguez
Texaco Center
400 Poydras, 30th Floor
New Orleans, Louisiana 70130
Telephone: (504) 523-2600
Facsimile: (504) 523-2705

Counsel for Plaintiff, George Barisich, individually and on behalf of the United Commercial Fisherman's Association, Inc. as President thereof



JAMES M. GARNER (# 19589)
TIMOTHY B. FRANCIS (# 14973)
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New Orleans, Louisiana 70112-1033
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Jones, Swanson, Huddell & Garrison, L.L.C.
Pan-American Life Center
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New Orleans, LA 70130
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New Orleans, LA. 70130
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THOMAS E. BILEK
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ORDER

CONSIDERING the foregoing Joint Stipulation filed on behalf of Plaintiff, George Barisich, individually and on behalf of the United Commercial Fisherman's Association, Inc. as President thereof, together with Defendant, BP America Production Company;

IT IS HEREBY ORDERED that the foregoing Joint Stipulation shall be filed and entered.

New Orleans, Louisiana, this ____ day of May, 2010 at _____.m.

UNITED STATES DISTRICT JUDGE