

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: C**

**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)**  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 11<sup>th</sup> 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

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

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, together with Defendant, BP America Production Company, who hereby make the following stipulation:

WHEREAS, the check attached hereto as Exhibit 1 was presented by BP and/or affiliated entities (collectively "BP") to the payee listed thereon, Nicholas Guidry, as interim subsistence compensation for losses Mr. Guidry claims to have incurred as a result of the oil spill following the April 20, 2010 explosion and sinking of the Deepwater Horizon at the Macondo Prospect (the "Oil Spill").

**WHEREAS**, the attached check includes a note reading "Loss of Income Advance";


It is **STIPULATED AND AGREED** by BP that the payment represented by the attached check, the referenced note on that check, and any endorsement of such by the payee (and any and all other such payments and/or endorsements, regardless of the state in which the payment is issued, the date of issuance, the domicile or residence of the payee, or whether any such payment includes a note identical to or substantially similar to that on the attached check and referenced above) (1) shall in no way operate as a release or waiver of any part of the payee's claims against BP arising out of the Oil Spill, including but not limited to, claims for assessment, mitigation and clean up of spilled oil, real and property damage caused by the Oil Spill, personal injury caused by the Oil Spill, commercial losses, including loss of earnings, profit and other losses; (2) shall in no way operate as accord and satisfaction with regard to those claims; and (3) shall in no way operate to estop the payee from asserting those claims against BP.

It is further **STIPULATED AND AGREED** by BP that the payment represented by the attached check (and any and all other such payments, regardless of the state in which the payment is issued, the date of issuance, the domicile or residence of the payee, or whether any such payment includes a note identical to or substantially similar to that on the attached check and referenced above) constitutes an unconditional tender by BP and may only operate to offset the payee's claims against BP arising out of the Oil Spill, including but not limited to, claims for assessment, mitigation and clean up of spilled oil, real and property damage caused by the Oil Spill, personal injury caused by the Oil Spill, commercial losses, including loss of earnings, profit and other losses.

Finally, it is **STIPULATED AND AGREED** by BP that this Court retains jurisdiction over further matters arising in this proceeding.

Respectfully submitted,

*Counsel for Defendant, BP America Production Company*

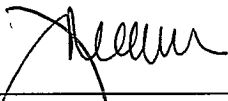


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**ANTONIO J. RODRIGUEZ (#11375)**  
**ALANSON T. CHENAULT, IV (#20747)**  
**MATT M. GRAY, III (#6264)**  
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*Counsel for Plaintiff, George Barisich, individually and on behalf of the United Commercial Fisherman's Association, Inc. as President thereof*



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ESIS, Inc.

EM 00 023216

51/44  
119

FILE ID: 686624 149130  
 DATE: 5/3/10  
 DOLLARS: 5000.00  
 PLEASE DEPOSIT OR CASH WITHIN 90 DAYS  
 NOT VALID IN EXCESS OF \$10,000

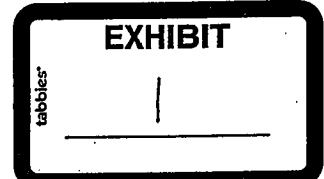
TO THE ORDER OF: Nicholas Guidry  
622 Belanger  
Houma, LA  
 First National Bank, Hartford, CT

FOR: Loss of Income Advance  
 CLIENT: BP

DATE OF EVENT: 5/20/10  
 CLERK OFFICE: Wilmington

AUTHORIZED SIGNATURE: [Signature]  
 ZIP: 70361

⑈ 7100023216⑈ ⑈ 011900445⑈ 70049⑈





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

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

**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.

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**UNITED STATES DISTRICT JUDGE**