

CAUSE NO. 05-CV0337-A

IN RE: TEXAS CITY EXPLOSION

MARCH 23, 2005

COORDINATED DISCOVERY

PROCEEDINGS

06 OCT 11 PM 12:13
 IN THE DISTRICT COURT OF
Leticia M. Allen
 GALVESTON COUNTY, TEXAS
 DISTRICT CLERK
 GALVESTON COUNTY, TX.
 212TH JUDICIAL DISTRICT

§
§
§
§
§
§
§

ORDER

On this date, the Court heard BP Products, Inc.'s Motion for Protection concerning the deposition of Mr. Browne. Upon consideration of the evidence, the arguments and applicable law, the Court orders as follows:

1. BP's Motion for Protection concerning the deposition of Mr. Browne is hereby DENIED.

2. BP shall produce within seven (7) days of the date of this Order written transcripts and any audio, video or DVD recordings of all speeches made by Mr. Browne prior to, or during, the trial of this case.

3. The Court finds that new circumstantial evidence developed during Mr. John Manzoni's deposition shows that Mr. Browne has unique or superior knowledge of relevant facts.

4. The Court further finds that the parties' Rule 11 Agreement concerning the depositions of Mr. Manzoni and Mr. Browne does not prevent the deposition of Mr. Browne going forward because:

- (1) After the effective date, Mr. Browne personally injected himself into the case with public comments that present new evidence of his unique or superior knowledge of relevant facts;
 - (2) The Rule 11 Agreement was based on circumstances that have changed;
 - (3) BP made misrepresentations that induced Plaintiffs to enter into the Rule 11 Agreement;
 - (4) BP is estopped to rely on the Rule 11 Agreement; and/or
 - (5) BP's public comments appear to be part of a continuing effort by BP to taint the jury pool. The Court orders the deposition of Mr. Browne to proceed, without limitations and the Rule 11, at a time and place within the United States to be determined by agreement of the parties, OR IF IN LONDON, WITH COSTS / EXPENSES TO BE PAID BY DEFENDANTS.
- SIGNED this 11 day of October, 2006.



JUDGE PRESIDING

06 OCT 11 AM 12:14
JAMES M. WILSON
DISTRICT CLERK
GALVESTON, TEXAS