

CAUSE NO. 10-UC-0001

IN RE:	§	IN THE DISTRICT COURT OF
TEXAS CITY REFINERY	§	
ULTRACRACKER EMISSIONS EVENT	§	GALVESTON COUNTY, TEXAS
LITIGATION	§	
	§	
This Relates to All Cases	§	56 th JUDICIAL DISTRICT

**DEFENDANTS' RESPONSES TO PLAINTIFFS' STEERING COMMITTEE'S
REQUEST FOR DISCLOSURE**

Defendants BP Products North America Inc., BP America, Inc., BP P.L.C., BP Corporation North America, Inc., and Keith Casey ("Defendants") serve their Responses to Plaintiffs' Steering Committee's Requests for Disclosure pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted,

FERNELIUS ALVAREZ PLLC

By _____

Stephen M. Fernelius
 State Bar No. 06934340
 Joel C. Simon
 State Bar No. 24046850
 One Houston Center
 1221 McKinney, Suite 3200
 Houston, Texas 77010-3095
 Telephone: (713) 654-1200
 Telecopier: (713) 651-4039

**TEKELL, BOOK, ALLEN & MORRIS,
L.L.P.**

Kenneth Tekell, Sr.
TBA No. 19764000
Mike Morris
TBA No. 14495800
1221 McKinney, Suite 4300
Houston, Texas 77010-2010
Telephone: (713) 222-9542
Facsimile: (713) 655-7727

FULBRIGHT & JAWORSKI L.L.P.

Otway B. Denny, Jr.
TBA No. 05750500
Katherine Mackillop
TBA No. 10288450
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
Telephone: (713) 651-5151
Facsimile: (713) 651-5246

**McLEOD, ALEXANDER, POWEL
& APFFEL, P.C.**

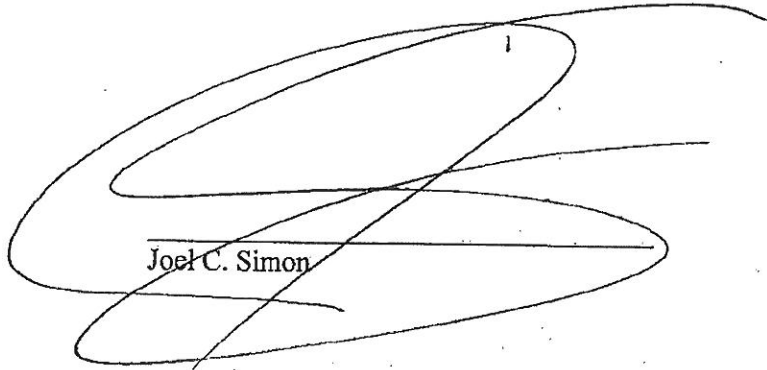
James B. Galbraith
TBA No. 07574400
David P. Salyer
TBA No. 17549680
802 Rosenberg/P.O. Box 629
Galveston, Texas 77553
Telephone: (409) 763-2481
Facsimile: (409) 762-1155

ATTORNEYS FOR DEFENDANTS BP P.L.C.,
BP AMERICA, INC., BP CORPORATION
NORTH AMERICA, INC., AND KEITH CASEY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the following counsel of record, by U. S. First Class Mail, facsimile, hand delivery, and/or certified mail, return receipt requested, on this 7th day of October, 2011.

Plaintiff's Liaison Counsel
Anthony G. Buzbee
THE BUZBEE LAW FIRM
600 Travis Street, Suite 7300
Houston, Texas 77002-3015



Joel C. Simon

**DEFENDANTS' RESPONSES TO
PLAINTIFFS' STEERING COMMITTEE'S REQUEST FOR DISCLOSURE**

(a) The correct names of the parties to the lawsuit;

RESPONSE:

Defendants, while denying Plaintiffs' allegations in this lawsuit, have been correctly named.

(b) The name, address, and telephone number of any potential parties;

RESPONSE:

Defendants are not aware of any such parties.

(c) The legal theories and, in general, the factual bases of your claims or defenses;

RESPONSE:

This lawsuit arises from flaring that occurred at BP Products North America Inc.'s Texas City refinery in April and May 2010. The events giving rise to this litigation were not foreseeable. The flaring was timely reported initially to the Texas Commission on Environmental Quality ("TCEQ") in accordance with that agency's rules and regulations. Defendant BP Products North America Inc. also filed final reports in accordance with applicable regulations.

EPA and TCEQ approved Screen 3 environmental modeling was performed for the flaring giving rise to this litigation. The modeling determined that the flaring did not result in the emission of materials at or above any exceedance of the national ambient air quality standards. Consequently, no adverse health consequences could have resulted from the flaring giving rise to this litigation.

Defendants also contend that BP Products North America Inc. is the only proper defendant to this litigation, because it is the only defendant that owned and operated the Texas City refinery at times relevant to this lawsuit.

Discovery in this matter is ongoing, and Defendants reserve the right to supplement this response.

(d) The amount and any method of calculating economic damages;

RESPONSE:

Defendants are not seeking the recovery of any economic damages.

- (e) *The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;*

RESPONSE:

The persons listed below are current employees of BP Products North America Inc. and can be contacted via counsel for Defendants.

Steve Palermo

Mr. Palermo is knowledgeable about some of the equipment involved in the flaring that gave rise to this litigation.

Erik Papaleo

Mr. Papaleo is knowledgeable about some of the equipment involved in the flaring that gave rise to this litigation.

Lisa Coley

Ms. Coley is knowledgeable about some of the equipment involved in the flaring that gave rise to this litigation. Additionally, Ms. Coley works in the operations department for some of the equipment and units involved in the flaring giving rise to this litigation.

Bill Limmer

Mr. Limmer is knowledgeable about some of the equipment involved in the flaring that gave rise to this litigation.

Mark Clingan

Mr. Clingan works in the Texas City refinery's environmental department, and was involved in the reporting of the flaring to the Texas Commission on Environmental Quality.

Mark Berlinger

Mr. Berlinger works in the Texas City refinery's environmental department, and has knowledge regarding the reporting of the flaring to the Texas Commission on Environmental Quality.

Justin Roberts

Mr. Roberts is knowledgeable about some of the equipment involved in the flaring that gave rise to this litigation. Additionally, Mr. Roberts works in the operations department for some of the equipment and units involved in the flaring giving rise to this litigation.

Ross Vail

Mr. Vail is knowledgeable about some of the equipment involved in the flaring that gave rise to this litigation. Additionally, Mr. Vail has knowledge regarding the emissions associated with the flaring giving rise to this litigation.

Javier Navarro

Mr. Navarro has knowledge concerning the optimization and scheduling of some of the units and equipment involved in the flaring giving rise to this litigation.

Christina Foster

Ms. Foster has knowledge concerning the optimization and scheduling of some of the units and equipment involved in the flaring giving rise to this litigation.

Raul Valdez

Mr. Valdez has knowledge about some of the equipment involved in the flaring that gave rise to this litigation.

Brian Funke

Mr. Funke works in the Texas City refinery's environmental department, and has some knowledge regarding the emissions associated with the flaring giving rise to this litigation.

Brenda Retif

Ms. Retif works in the Texas City refinery's operations department, and has knowledge concerning some of the equipment and units involved in the flaring giving rise to this litigation.

Donald Porter

Mr. Porter is the operations manager for the Texas City refinery.

Keith Casey

Mr. Casey is the refinery manager for the Texas City refinery.

The following individuals work for the Texas Commission on Environmental Quality and can be contacted through that agency.

Laura Burnett

Ms. Burnett was involved in the reporting of the emissions associated with the flaring that gave rise to this litigation.

Ryan Perna

Mr. Perna was involved in the reporting of the emissions associated with the flaring that gave rise to this litigation.

(f) For any testifying expert:

- (1) the expert's name, address, and telephone number;***
- (2) the subject matter on which the expert will testify;***

- (3) *the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to your control of the responding party, documents reflecting such information; and*
- (4) *if the expert is retained by, employed by, or otherwise subject to your control of the responding party:*
 - (A) *all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and*
 - (B) *the expert's current resume and bibliography;*

RESPONSE:

Defendants have not made a determination as of yet on the subject of any testifying expert witness. Defendants will supplement this response in accordance with the Texas Rules of Civil Procedure and any applicable Order from the Court.

- (g) *Any discoverable indemnity and insuring agreements described in Rule 192.3(f);*

RESPONSE:

Defendants do not have any such agreements.

- (h) *Any discoverable settlement agreements described in Rule 192.3(g); and*

RESPONSE:

Defendants do not have any such agreements.

- (i) *Any discoverable witness statements described in Rule 192.3(h);*

RESPONSE:

Defendants do not have any such agreements.

- (j) *In a suit alleging physical or mental injury and damages from the occurrences that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;*

RESPONSE:

Defendants do not have such records other than those gathered directly from Plaintiffs or via an authorization from Plaintiffs.

- (k) In a suit alleging physical or mental injury and damages from the occurrences that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party;*

RESPONSE:

Defendants do not have any such records or bills at this time. Defendants will supplement with any such records.

- (l) The name, address, and telephone number of any person who may be designated as a responsible third party.*

RESPONSE:

Defendants are not aware of any such person or entity.