

Fifth Circuit Court Ruling Update

- 1. *Introduction.*** On December 24, 2013, the District Court issued a ruling that the issue of whether a BEL claimant's loss was caused by the Deepwater Horizon oil spill would be determined solely by reference to the standards set forth in Exhibit 4B of the Settlement Agreement. The District Court, however, left in place its preliminary injunction as to BEL claims (as amended on December 5, 2013) pending further review and action by the Fifth Circuit Court of Appeals.
- 2. *Recent Updates.*** On March 3, 2014, the BEL panel of the Fifth Circuit issued its opinion, affirming by a vote of 2-1 the decision of the District Court dated December 24, 2013. The Fifth Circuit agreed that the issue of causation is addressed by Exhibit 4B. The BEL panel also ruled that the injunction previously ordered by the District Court as to BEL claims should be vacated, but determined that the injunction should remain effective until the Fifth Circuit issues its mandate in the BEL appeal. Under Fifth Circuit rules, the mandate will issue no earlier than March 25, 2014, but will be delayed in the event any party files a request for rehearing or rehearing en banc.

You can access a copy of the Fifth Circuit Court Ruling [here](#).

- 3. *Questions.*** If you have any questions regarding the information in this Alert, please email us at Questions@dhecc.com, call us at 1-800-353-1262, or visit a Claimant Assistance Center. Law firms should contact their Law Firm Contacts for assistance.