

Oil spill temporarily stopped, but litigation continues to flow

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The oil spill has been stopped – for now – but that doesn't mean the litigation will stop flowing.

Some plaintiffs' lawyers are predicting that the plugged up well is likely to trigger even more litigation as the dirtiest and most difficult job can finally get underway: assessing the damage.

"Certainly, step one was for the oil to stop flowing. The dicier part is [figuring out] where exactly is this oil," said Richard Arsenault of Neblett, Beard & Arsenault in Alexandria, La., which has about 30 oil spill lawsuits pending.

Plaintiffs' lawyers are turning to their scientific experts to hone in two key issues: how far has the oil spill actually spread, and how bad is the damage.

"We are truly in uncharted waters with regard to the toxic cocktail that's slipping down to the water's bottom," said Arsenault, noting fears remain about how far the spill has spread. "Is this oil going to end up in Europe? Will it wind up the East Coast? I think there are still many, many troubling unanswered questions."

And many, many more lawsuits to follow, added Daniel Becnel Jr. of the Becnel Law Firm in Reserve, La.

"It won't stop. It's just beginning," Becnel said of the oil spill litigation.

Becnel said that he expects more businesses will file economic loss claims, especially resorts and restaurants in beach towns that have not yet been affected by the oil spill.

"All of this oil is out there floating still, and the minute you have a big storm, even a minor hurricane, it's going to blow all of this stuff right into the beaches," Becnel said.

Becnel also foresees more property damage lawsuits filed by property owners whom, he said, will deal with the stigma of trying to sell oil-tainted property. He likened it to a homeowner trying to sell a house where a murder took place.

"The biggest part is the stigma damages. Their property values have plummeted," he said. "And nobody in real estate, nobody, is selling condos or houses or anything like that."

And despite the spill being contained, he said, future damages will still be hard to assess for all

the fishermen and shrimpers whose livelihoods have been put on hold.

"Suppose they open the Gulf to shrimping right now," Becnel said. "Who in the hell do you think is going to buy Louisiana seafood?"

Plaintiffs' attorney Camilos Salas, of Salas & Co. in New Orleans, who has filed a half dozen oil spill lawsuits, also doesn't see an end in sight to the oil spill litigation.

He is about to file a handful of new lawsuits on behalf of Mexican food processors claiming economic losses from the spill. He also has Mexican fishermen as clients, whom, he noted, are considering filing lawsuits because the public is afraid to buy their seafood, even though it hasn't been tainted.

There are also the attorneys general in the gulf states who have not yet filed suits over the oil spill, Salas said. Add to that all of the people who are waiting for BP to resolve their claims with a check – they're potential plaintiffs, too he said.

"Some people are hoping to resolve their issues without litigation," Salas said. "But at some point down the line, if BP doesn't pay them, they will need lawyers."

As to whether BP's repair job will slow down litigation, BP spokesperson Toby Odone said, "Obviously, we hope that it will." But, he added, "It's out of our hands."

For now, he said, BP's efforts remain on permanently fixing the leak.

"Obviously, we hope that we'll be able to seal the well completely," Odone said, "but this is not the final solution."

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