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February 1, 2019

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PAUL MACLEAN
VS. NO. 132659 Div. "D"
BP CORPORATION NORTH AMERICA
INC, ET AL

Dear Attorneys

Enclosed is a certified copy of the Reasons for Judgment filed in the above numbered and entitled proceeding. The Reasons were signed by Judge LEWIS H. PITMAN, JR. on January 30, 2019 and filed in the above numbered and entitled proceeding on January 31, 2019.

Very truly yours,

Charlene M. Ubbelohde

Dy. Clerk of Court

Enclosure

PAUL MACLEAN * 16TH JUDICIAL DISTRICT COURT
VERSUS #132,659-“G” * PARISH OF ST. MARY
BP CORPORATION NORTH *
AMERICA, INCORPORATED, *
ET AL * STATE OF LOUISIANA

REASONS FOR JUDGMENT

On October 22, 2018 in St. Mary Parish, Louisiana, Division “G”, Sixteenth Judicial District Court, counsel for the parties in the above captioned matter appeared at a hearing on PEREMPTORY EXCEPTIONS OF RES JUDICATA filed by DEFENDANTS, MARATHON OIL COMPANY, BP CORPORATION NORTH AMERICA, ATLANTIC RICHFIELD COMPANY, CHEVRON U.S.A., INCORPORATED, SUCCESSOR TO TEXACO EXPLORATION AND PRODUCTION COMPANY, INCORPORATED, TORTUGA OPERATING COMPANY, TORTUGA INTERESTS, INCORPORATED, BLANCHARD 1986, LTD., A LIMITED PARTNERSHIP, JOHN E. HINE AND PETER L. TURBETT. JUDGMENT was rendered on the 22nd day of October, 2018 and signed on October 29th, 2018.

The Court after considering the law, evidence, pleadings and arguments of counsel, GRANTS the PEREMPTORY EXCEPTIONS OF RESJUDICATA filed by DEFENDANTS, MARATHON OIL COMPANY, ET AL.

Counsel for PLAINTIFF, PAUL MACLEAN filed a request for WRITTEN REASONS FOR JUDGMENT on or about November 14, 2018.

APPEARANCES

PETITIONER, PAUL MACLEAN through his attorney of record:

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attorneys of record:

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AND

DEFENDANTS, TORTUGA OPERATING COMPANY, TORTUGA INTERESTS, INCORPORATED AND BLANCHARD 1986, LTD, A LIMITED PARTNERSHIP, JOHN E. HINES AND PETER L. TURBETT through their attorney of record:

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FACTS

Betty Blanchard filed a prior suit against these DEFENDANTS and/or their predecessors-in-interest in the 16th Judicial District Court in St. Mary Parish, Louisiana. PETITIONER, PAUL MACLEAN was added as a plaintiff in that lawsuit. Plaintiffs sought cancellation of an existing mineral lease for failure to maintain production in paying quantities and damages for alleged environmental injury to the leased property. In 1996, the parties settled that litigation in exchange for cash (\$530,000.00) and an increase in royalty in favor of Betty Blanchard. The parties executed a 1996 Settlement Agreement. Per the 1996 Settlement Agreement, it mandated that the suit be dismissed with prejudice releasing all DEFENDANTS from any claims relating to any alleged environmental damages. PETITIONER, PAUL MACLEAN was a party to the 1996 Settlement Agreement.

The current owner of the property, Park Plantation, L.L.C. (successor to Betty Blanchard) and Nancy Blanchard (Betty Blanchard's daughter), filed a suit IN THE MATTER OF NANCY BLANCHARD, ET. AL. VERSUS LINDER OIL COMPANY, ET. AL., No. 606-555, Division "J", Twenty-fourth Judicial District Court, Jefferson Parish, Louisiana. PETITIONER, PAUL MACLEAN filed a Petition

Intervention filed in *Nancy Blanchard, Et. Al. vs. Linden Oil Company, Et. Al.*, Docket No. 606-555, Division "J", Twenty-Fourth Judicial District Court, Jefferson Parish, Louisiana. That Court dismissed PETITIONER'S claim with prejudice on November 20, 2012. On Appeal, the Judgment of Dismissal was affirmed by the Louisiana Court of Appeals for the Fifth Circuit. PETITIONERS' writ to the Louisiana Supreme Court was also denied.

Second, this Court finds that the Judgment of the Court in the Twenty-Fourth Judicial District Court of Jefferson Parish, Louisiana is a final Judgment.

Third, the parties in the case at bar are the same parties in the suit of the Twenty-Fourth Judicial District Court of Jefferson Parish, Louisiana. PETITIONER, PAUL MACLEAN and DEFENDANTS are the same parties in the case at bar also.

Fourth, the cause of action asserted by PETITIONER, PAUL MACLEAN in this case seeking to have the 1996 Settlement Agreement declared absolutely null existed at the time of the state action in the Twenty-Fourth Judicial District Court's decision in Jefferson Parish.

Finally, the cause of action here to declare the 1996 Settlement Agreement arises out of the same facts or occurrence as the state action of the Twenty-Fourth Judicial District Court of Jefferson Parish, No. 606-555, Division "J".

This Court also finds that PETITIONER, PAUL MACLEAN claim is barred by Res Judicata in the federal court decision in *Park Plantation, L.L.C. vs. Blanchard 1986, Ltd, Et. Al.*, Civil Action No. 01-1480, United States District Court for the Western District of Louisiana. This claim by PETITIONER seeking to find the 1996 Settlement Agreement absolutely null was denied in the federal proceedings. It was found in the federal proceedings that PETITIONER, PAUL MACLEAN'S interest were aligned with *Park Plantation, L.C.C.* This Court finds that the federal proceedings also bars PETITIONER, PAUL MACLEAN action in the case at bar

under the Exception of Res Judicata.

The federal court requires that four (4) elements must be met for a claim to be barred by Res Judicata:

- (1) the parties in both the prior suit and current suit must be identical;
- (2) a court of competent jurisdiction must have rendered a prior judgment;
- (3) a prior judgment must have been final and on the merits; and
- (4) a plaintiff must raise same cause of action in both suits.

This Court finds that all four (4) elements are met. The identity of the parties is met as the same parties in the federal suit and also in privity with them. The prior litigation judgment was rendered by a court of competent jurisdiction and that judgment was final, and on the merits. This Court also finds that PETITIONER, PAUL MACLEAN raised the same cause of action in both suits. PETITIONER, PAUL MACLEAN makes no claim against these DEFENDANTS that were not brought and litigated in the federal proceedings. It is immaterial whether PETITIONER was a named party in the federal proceedings because PETITIONER was aware of the federal litigation, acted as Betty Blanchard's agent, derived his interest from her and had ample opportunity to litigate the validity of the 1996 Settlement Agreement in federal court. Therefore, PETITIONER'S claim under federal law is barred by the Exception of Res Judicata which includes Collateral Estoppel.

This Court will sign a judgment consistent with these reasons for judgment and conclusions of law in conformity with Rule 9.5 of the Louisiana District Court Rules.

READ, RENDERED and SIGNED this 30th day of

Jan, 2019 at New Iberia, Iberia Parish, Louisiana.

CURTIS SIGUR
DISTRICT JUDGE

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Page 7 of 8

JAN 31 2019
Charlene M. L. L. L.
DY. CLERK OF COURT

PLEASE SERVE:

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CLERK'S OFFICE, FRANKLIN, LA

FEB 01 2019

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Attest Chaukerne McBlane
Dy. Clerk of Court

Page 8 of 8

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JAN 31 2019

Chaukerne McBlane
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