

COUNTY COURT AT LAW NO. 2 OF GALVESTON COUNTY, TEXAS
CASE INFORMATION STATEMENT

May 13, 2010

THE CASE INFORMATION STATEMENT IS FOR ADMINISTRATIVE PURPOSES ONLY IT SHALL BE FILED WITH THE PARTIES ORIGINAL PLEADINGS AND SHALL BE SERVED UPON ALL OTHER PARTIES TO THE ACTION

STYLE:

CAUSE NO. 62,908 FILED 05/13/10

PAPPAS RESTAURANTS, INC.

V.S.

**STATUS CONFERENCE
SET FOR**

09/23/2010 @ 3:00 P.M.

TRANSOCEAN OFFSHORE DEEPWATER DRILLING INC.;
TRANSOCEAN, LTD., TRANSOCEAN DEEPWATER, INC.,
BP EXPLORATION AND PRODUCTION INC.; BP, PLLC;
BP PRODUCTS NORTH AMERICA INC.; BP CORPORATION
NORTH AMERICA, INC., HALLIBURTON ENERGY SERVICES,
INC., SPERRY-SUN DRILLING SERVICES, INC., AND
CAMERON INTERNATIONAL CORPORATION D/B/A
CAMERON SYSTEMS CORPORATION

Attorney for Petitioner or Pro Se

Attorney for Respondent or Pro Se

State Bar #

State Bar #

Address

Address

Phone Number

Phone Number

Fax#

Fax#

Briefly describe the case including any special characteristics that may warrant extended discovery or accelerated disposition. If complex or expedited track requested, explain why. Attach additional sheets if necessary.

Estimated time for Discovery _____

Estimated time for Trial _____

Level 1

Level 2

Level 3

Other

Signature of Attorney or Pro Se Party: _____ Date _____

ONLY ATTORNEY(S) OR PRO SE PARTY(IES) ARE TO BE PRESENT AT CONFERENCE

**FAILURE TO APPEAR AT STATUS CONFERENCE MAY RESULT
IN CASE BEING DISMISSED FOR WANT OF PROSECUTION**

PLEASE FILL OUT AND RETURN

CAUSE NO 62,908

Pappas Restaurants, Inc

Plaintiff,

v

Transocean Offshore Deepwater Drilling Inc , Transocean, Ltd , Transocean Deepwater, Inc , BP Exploration and Production Inc , BP, PLLC, BP Products North America Inc , BP Corporation North America, Inc , Halliburton Energy Services, Inc , Sperry-Sun Drilling Services, Inc , and Cameron International Corporation d/b/a Cameron Systems Corporation

Defendants

IN COUNTY COURT AT LAW

NUMBER

2

Mary Ann Davis
COUNTY CLERK
GALVESTON COUNTY, TEXAS

10 MAY 13 PM 4:23

FILED

GALVESTON COUNTY, TEXAS

Plaintiff's Original Petition

Plaintiff Pappas Restaurants, Inc complain of Defendants Transocean, Ltd ("Transocean"), Transocean Offshore Deepwater Drilling Inc ("Transocean"), Transocean Deepwater, Inc ("Transocean"), BP Products North America Inc ("BP"), BP Exploration and Production Inc ("BP"), BP, PLLC ("BP"), BP Corporation North America, Inc ("BP"), Halliburton Energy Services, Inc ("Halliburton"), Sperry-Sun Drilling Services, Inc ("Sperry"), and Cameron International Corporation d/b/a Cameron Systems Corporation ("Cameron") (all defendants collectively as "Defendants"), and would respectfully show the Court that

I.

Jurisdiction

1. This claim is maintained under the statutes and common law of the State of Texas. The case is not removable because diversity is lacking and there is no federal question to support jurisdiction in a federal court.

II.

Venue

2. Venue is proper here pursuant to Texas Civil Practice and Remedies Code, Section 15.002 because a substantial part of the events giving rise to this action occurred in Galveston County, the residents of Galveston County are affected by this tragedy and spill, witnesses reside in the County, and Defendants do substantial business in, have offices in, and have the vast majority of their employees in this County. Further, BP is primarily based in Galveston County. Moreover, Plaintiff conducts substantial business in Galveston, which has been irrevocably affected by Defendants' negligence and gross negligence.

III.

Discovery Level

3. Discovery in this matter may be conducted under Level 2 of the Texas Rules of Civil Procedure.

IV.

Parties

4. Plaintiff Pappas Restaurants, Inc. is a resident of Texas.

5. Defendant Transocean, Ltd. is a foreign entity with its principal place of

business in Texas, and may be served through its registered agent, Capitol Corporate Services, Inc., 800 Brazos Suite 400, Austin, Texas 78701

6 Defendant Transocean Offshore Deepwater Drilling Inc is a foreign entity with its principal place of business in Texas, and may be served through its registered agent, Capitol Corporate Services, Inc , 800 Brazos Suite 400, Austin, Texas 78701

7 Defendant Transocean Deepwater, Inc is a foreign entity with its principal place of business in Texas, and may be served through its registered agent, Capitol Corporate Services, Inc , 800 Brazos Suite 400, Austin, Texas 78701

8 Defendant BP Products North America Inc is a foreign entity with its principal place of business in Texas BP Products North America Inc may be served with process through its registered agent, Prentice Hall Corp System, 701 Brazos Street, Suite 1050, Austin, Texas, 78701

9 Defendant BP Exploration and Production Inc is a foreign entity with its principal place of business in Texas BP Corporation North America, Inc may be served with process at CT Corporation System, 350 North St Paul Street, Suite 2900, Dallas, Texas 75201

10 Defendant BP, LLC is a foreign entity with its principal place of business in Texas. BP Corporation North America, Inc may be served with process at CT Corporation System, 350 North St Paul Street, Suite 2900, Dallas, Texas 75201

11 Defendant BP Corporation North America, Inc is a foreign entity with its principal place of business in Texas BP Corporation North America, Inc may be served with process at Prentice Hall Corp System, 701 Brazos Street, #1050, Austin, Texas 78701.

12 Defendant Halliburton Energy Services, Inc is a foreign entity with its principal place of business in Texas Halliburton Energy Services, Inc may be served with process at CT Corporation System, 350 North St Paul Street, Suite 2900, Dallas, Texas 75201

13 Defendant Sperry-Sun Drilling Services, Inc is a foreign entity with its principal place of business in Texas Sperry-Sun Drilling Services, Inc may be served with process at CT Corporation System, 350 North St Paul Street, Dallas, Texas 75201

14 Defendant Cameron International Corporation d/b/a Cameron Systems Corporation is a foreign corporation with its principal place of business in Texas Weatherford International, Inc may be served with process at CT Corporation System, 350 North St Paul Street, Suite 2900, Dallas, Texas 75201

V.

Nature of the Action

15 Plaintiff is a pillar in our community The Pappas family has built and operated restaurants in Texas for decades Much of Plaintiff's business depends on the harvesting of sea life from the Gulf of Mexico Plaintiff has made serving gulf seafood at its restaurants a staple and a trademark of its business However, Plaintiff suffered irrevocable damage to their business a result of the senseless DEEPWATER HORIZON explosion on April 20, 2010 and the ensuing oil spill Aside from the human losses, the explosion has caused what is expected to be the worst man-made environmental disaster in U S history – far eclipsing the EXXON VALDEZ oil spill in 1989

16 Not only was the explosion the result of the reckless conduct of Defendants, the attempt to quell the spewing oil in the Gulf of Mexico has been hap-hazard and reckless as well. It was recently revealed that BP's attempt to cap the leak failed due to faulty equipment. Specifically, the shutoff device BP attempted to place over the leak had faulty wiring and a bad battery. Both issues could have been easily remedied prior to placing it on the seafloor. However, the leak continues and it has affected the entire Gulf region.

17 On balance, the leak caused by Defendants and needlessly perpetuated by Defendants is ruining Plaintiff's ability to obtain the necessary food to serve at its restaurants at fair price. Plaintiff has seen and will experience a steep increase in costs and sharp decline in patrons, sales, and overall business as a result of this disaster. Consequently, this suit is necessary.

18 Defendants are negligent, negligent per se, grossly negligent, and reckless for the following reasons:

- a failure to properly supervise their crew,
- b failure to properly train their employees,
- c failure to provide adequate safety equipment,
- d operating the vessel with an inadequate crew,
- e failure to maintain the vessel,
- f vicariously liable for their employees' and agents' negligence, gross negligence, and recklessness;
- g violating applicable Coast Guard, MMS, and/or OSHA regulations,
- h. failure to provide plaintiff with a safe place to work, and requiring plaintiff to work in unsafe conditions;

- i failure to provide sufficient personnel to perform operations aboard the vessel,
- j failure to exercise due care and caution,
- k failure to properly undertake remediation efforts,
- l failure to properly implement remediation efforts
- m failure to avoid this accident
- n violating the Oilfield Pollution Act, and
- o other acts deemed negligent

19 As a result of said occurrences, Plaintiff sustained the following damages

- a Business interruption,
- b Loss of business opportunities,
- c Actual damages,
- d Loss of business income,
- e Harm to reputation,
- f Lost Profits, and
- g Other harm caused by Defendants' negligence and gross negligence

20 Plaintiff is also entitled to punitive damages because the aforementioned actions of Defendants were grossly negligent and reckless. Defendants' conduct was willful, wanton, arbitrary, and capricious. They acted with flagrant and malicious disregard of Plaintiff's business and the business of all those who serve gulf seafood. Defendants were subjectively aware of the extreme risk posed by the conditions which caused Plaintiff's damages, but did nothing to rectify them. Instead, Defendants had crew members continue working despite the dangerous conditions that were posed to them and the faulty, defective

equipment provided to them Defendants did so knowing that the conditions posed dangerous and grave safety concerns Defendants' acts and omissions involved an extreme degree of risk considering the probability and magnitude of potential harm to Plaintiff and others

21 As a result of said occurrences, Plaintiff sustained irrevocable harm to their business Plaintiff's harm will, in all likelihood, run indefinitely Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which they now sue

VII.

Jury Trial

22 Plaintiff hereby requests a trial by jury on all claims

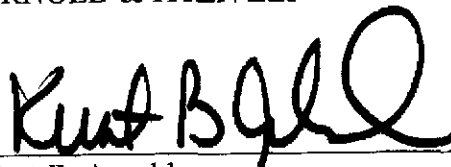
VIII.

Prayer

Plaintiff prays that this citation issue and be served upon Defendants in a form and manner prescribed by law, requiring that the Defendants appear and answer, and that upon final hearing, Plaintiff have judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, attorneys' fees, punitive damages, and all such other and further relief, to which they may show themselves justly entitled

Respectfully submitted,

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FILED
10 MAY 13 PM 4:23
Mary Ann Reynolds
COUNTY CLERK
BALVESTON COUNTY, TEXAS