



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**In re: Oil Spill by the Oil Rig
“Deepwater Horizon” in the Gulf
Of Mexico, on April 20, 2010**

MDL 2179

SECTION: J(2)

JUDGE CARL J. BARBIER

Applies to: 2:21-cv-237, Brian J. Donovan
v. Carl J. Barbier; Stephen J.
Herman; James P. Roy; Kenneth R.
Feinberg; and Patrick A. Juneau

MAG. JUDGE CURRAULT

**MEMORANDUM IN SUPPORT OF MOTION
FOR INJUNCTIVE RELIEF AND CONSIDERATION OF SANCTIONS**

Defendant Patrick A. Juneau (“Mr. Juneau”), the Court-Appointed Claims Administrator of the Deepwater Horizon Court-Supervised Settlement Program (the “CSSP”), through undersigned counsel, hereby submits this memorandum in support of his motion for injunctive relief and consideration of sanctions. For the reasons set forth herein, Mr. Juneau requests that the Court enjoin the Plaintiff in the above-referenced action Brian J. Donovan (“Mr. Donovan”) from filing any lawsuits in state or federal court against Mr. Juneau in any capacity arising from or in any way related to the BP Oil Spill or the CSSP without pre-litigation approval from this Court, and that the Court consider exercising its inherent authority to impose sanctions under 28 U.S.C. § 1927 should it deem them to be appropriate. In further support of his motion, Mr. Juneau adopts the arguments in the memorandum filed on behalf of Messrs. Herman and Roy in support of their Motion for Sanctions and to Enjoin Further Frivolous Filings (Rec. Doc. 26999-1).

Along with Mr. Herman and Mr. Roy, Mr. Juneau also was named as a defendant in Mr. Donovan's *qui tam* action, *Donovan v. Barbier, et. al.*, 8:20-cv-418, in the United States District Court for the Middle District of Florida and was named as a defendant in this action. The two actions included the same RICO claim against Mr. Juneau and others, and both actions were voluntarily dismissed by Mr. Donovan pursuant to Fed. R. Civ. Proc. 41(a)(1)(A)(i). These two voluntary dismissals will operate as an adjudication on the merits if Mr. Donovan files any future claims against Mr. Juneau, *see* Fed R. Civ. Proc. 41(a)(1)(B), making any such future action frivolous, and supporting Defendants' request for an injunction against such filings.

Moreover, on January 22, 2021, this Court ordered the closure and winddown of the CSSP, and Mr. Juneau has been working diligently as Claims Administrator to complete the winddown process. An injunction against further frivolous filings by Mr. Donovan would eliminate the distraction of another meritless lawsuit and further the ability to winddown the CSSP.

Finally, the now-twice-dismissed allegations made by Mr. Donovan against these Defendants, and particularly those directed at the Court and the Claims Administrator, are utterly without basis or merit and beneath the pleading standards that are acceptable in the federal courts. In such instances, the Court plainly has discretion to impose appropriate sanctions under 28 U.S.C. § 1927 and its inherent authority should it deem them to be appropriate.

Respectfully submitted,

/s/ Richard C. Stanley

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capacity as Claims Administrator of the Deepwater
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Memorandum has been served on All Counsel by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 12, as amended, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 22nd day of March, 2021.

/s/ Kathryn W. Munson