

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

**This Document Relates to:
Donovan v. Barbier, et al.,
2:21-cv-00237**

JUDGE BARBIER

MAG. JUDGE CURRAULT

**BRIAN J. DONOVAN’S MEMORANDUM OF LAW IN SUPPORT OF HIS
SECOND MOTION FOR CLARIFICATION**

The following Memorandum is respectfully submitted in support of Brian J. Donovan’s Second Motion for Clarification.

BACKGROUND

On March 19, 2021, Herman and Roy filed a Motion for Sanctions and to Enjoin Further Frivolous Filings.

On March 20, 2021 at 3:27 AM, Donovan received via email the “03/19/2021 Daily E-Service Summary for LA US District Court Eastern District E-Service-Oil Spill” from File and ServeXpress. (*See* Exhibit “A”). There is no mention of the Motion for Sanctions and to Enjoin Further Frivolous Filings allegedly filed by Herman and Roy. Donovan, curious about a filing which referred to a case in 2003, opened the apparently unrelated motion filed by Irwin Fritchie Urquhart and Moore LLC. Only as a result of this fortuitous curiosity did Donovan learn about the motion filed by Herman and Roy. The filing was exceptionally well-disguised. (*See* Rec. Doc. 27035 at 3).

On March 22, Juneau filed a Motion for Injunctive Relief and Consideration of Sanctions.

On March 23, 2021 at 3:35 AM, Donovan received via email the “03/22/2021 Daily E-Service Summary for LA US District Court Eastern District E-Service-Oil Spill” from File and ServeXpress. (See Exhibit “B”). There is a Motion for Injunctive Relief and Consideration of Sanctions but there is no reference to Donovan or the *Donovan v. Barbier, et al.* case. Donovan, now on alert as a result of the previous “sewer service” by Herman and Roy, opened the apparently unrelated motion filed by Stanley Reuter Ross Thornton & Alford LLC. Only after opening, did Donovan learn about the motion filed by Juneau. (See Rec. Doc. 27036 at 3). The filing was exceptionally well-disguised.

On April 27, 2021, the Court issued an Order (Rec. Doc. 27070) which finds “...not only is Donovan’s “sewer service” accusation groundless, Donovan knows it is groundless....Donovan’s accusations that Defendants engaged in ‘sewer service’ is meritless.”

THE ISSUE REQUIRING CLARIFICATION

The following issue requires clarification:

Whether Herman and Roy, and Juneau engage in “sewer service” when the motions for sanctions served on Donovan by Herman and Roy, and Juneau using File & ServeXpress, and included in a “Daily E-Service Summary for LA US District Court Eastern District E-Service-Oil Spill” list from File and ServeXpress, are so well-disguised that Donovan would not have any reason to know that the motions for sanctions were filed against him.

As explained *supra*, “....There is no mention of the Motion for Sanctions and to Enjoin Further Frivolous Filings allegedly filed by Herman and Roy. Donovan, curious about a filing which referred to a case in 2003, opened the apparently unrelated motion filed by Irwin Fritchie Urquhart and Moore LLC. Only as a result of this fortuitous curiosity did Donovan learn about the motion filed by Herman and Roy. The filing was exceptionally well-disguised.”

As further explained *supra*, “....There is a Motion for Injunctive Relief and

Consideration of Sanctions but there is no reference to Donovan or the *Donovan v. Barbier, et al.* case. Donovan, now on alert as a result of the previous “sewer service” by Herman and Roy, opened the apparently unrelated motion filed by Stanley Reuter Ross Thornton & Alford LLC. Only after opening, did Donovan learn about the motion filed by Juneau. The filing was exceptionally well-disguised.”

The strategy employed by Herman and Roy, and Juneau is simple. Don’t let Donovan know about the Motion for Sanctions and to Enjoin Further Frivolous Filings or the Motion for Injunctive Relief and Consideration of Sanctions until this Honorable Court has issued its Orders granting the motions. Again, Donovan respectfully points out that this is the definition of “Sewer Service.”

CONCLUSION

For the reasons given above, Donovan requests an order be entered addressing the above-referenced issue requiring clarification.

DATED: April 28, 2021

Respectfully submitted,

/s/ Brian J. Donovan
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