

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-30377

United States Court of Appeals
Fifth Circuit

FILED

June 21, 2017

Lyle W. Cayce
Clerk

In re: DEEPWATER HORIZON

LAKE EUGENIE LAND & DEVELOPMENT, INCORPORATED; BON SECOUR FISHERIES, INCORPORATED; FORT MORGAN REALTY, INCORPORATED; LFBP 1, L.L.C., doing business as GW Fins; PANAMA CITY BEACH DOLPHIN TOURS & MORE, L.L.C.; ZEKES CHARTER FLEET, L.L.C.; WILLIAM SELLERS; KATHLEEN IRWIN; RONALD LUNDY; CORLISS GALLO; JOHN TESVICH; MICHAEL GUIDRY, on behalf of themselves and all others similarly situated; HENRY HUTTO; BRAD FRILOUX; JERRY J. KEE,

Plaintiffs - Appellants

v.

BP EXPLORATION & PRODUCTION, INCORPORATED; BP AMERICA PRODUCTION COMPANY; BP, P.L.C.,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:

In its Petition for Panel Rehearing, BP asserts that the panel opinion rests upon an argument that was never raised. Specifically, BP asserts that Class Counsel never argued that Policy 495's Industry-Specific Methodologies

(“ISMs”) are inconsistent with the text of the BP Settlement Agreement. That is simply inaccurate. In fact, Class Counsel explicitly argued that Policy 495 “Departs from the Terms of the Settlement Agreement” in its opening brief.¹

The Petition for Panel Rehearing is DENIED.

¹ See Brief of Appellants at 23.