

# **TREC 2011 LEGAL TRACK**

## **CODING MANUAL – TOPIC 403** **TOPIC AUTHORITY: Robert Singleton**

### I. CASE OVERVIEW

As detailed in the complaint, the plaintiff class seeks damages allegedly suffered as a result of the purported tens of thousands of barrels of crude oil leaking into the ocean as a result of the explosion and sinking of the offshore drilling platform, the Bleak Horizon. Plaintiffs allege that the damages were suffered as a result of “intentional violations of . . . numerous statutes and regulations including, but not limited to, statutes and regulations issued by OSHA and the United States Coast Guard, including the requirement to test the sub-sea blowout valve at regular intervals.”

Plaintiffs also allege that defendants failed to take appropriate measures to prevent damage to New Searchland’s marine and coastal environments and estuarine areas; chose not to install appropriate safety measures on the Bleak Horizon; have a history of lobbying for reduced, limited, or lax environmental and safety standards and engaging in other activities aimed at negatively influencing or affecting anticipated or pending environmental and safety rules, regulations, legislation, and amendments thereto; and have attempted to gain access to and influence public officials involved in establishing environmental and safety standards through campaign contributions and other election activities, endorsements, social, or other contacts and quid pro quos.

### II. REQUEST FOR PRODUCTION

The pertinent request for production seeks “All documents or communications that describe, discuss, refer to, report on, or relate to the environmental impact of any activity or activities undertaken by the Company including, but not limited to, any measures taken to conform to, comply with, avoid, circumvent, or influence any existing or proposed rule(s), regulation(s), law(s), standard(s), or other proscription(s), such as those governing environmental emissions, spills, pollution, noise, and/or animal habitats.”

### III. CODING INSTRUCTIONS

#### a. General

- Generally speaking, Request 403 seeks documents relating to the environmental impact of the Company activity(ies). Thus, a document is responsive if all of the following are true:
  - i. **Describes, discusses, refers to, reports on, or relates to;**

- ii. [the] **environmental impact:** the request is not limited to environmental impacts related to the sea/coast and should not be construed as such.
  - iii. [Resulting from a] **Company's activity or activities:** the request does not specify for which company's activities the plaintiffs are seeking documents. As a general rule, however, we are only interested in documents for companies that are identified as plaintiffs or defendants in this action. Documents containing information about other companies' activities are not relevant.
- After the phrase "**including, but not limited to,**" plaintiffs seek documents relating to the Company's efforts to conform to, comply with, avoid, circumvent, or influence **any existing or proposed** rules, regulations, laws, standards, or other proscriptions. This phrase, while instructional as to some of the types of documents being sought, the exemplars that follow are **not all inclusive**. Therefore, if you find documents that are relevant to the request but not within the exemplars found after the phrase "including, but not limited to," those documents should be marked relevant. Additionally, although the phrase says **any**, the request is limited only to **environmental** rules, regulations, laws, standards, or other proscriptions.

b. Date Restrictions

There is no date restriction to Topic 403. Thus, a document may be responsive irrespective of the date, or lack thereof, of a document.

c. Privileged

A document may be both privileged and responsive. If you have documents that are attorney-client communications or otherwise contain privileged information, please review the document for responsiveness and responsive documents should be tagged as such.