

**ENTERED**

October 09, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

*IN RE*: INTERCONTINENTAL  
TERMINALS COMPANY LLC  
DEER PARK FIRE LITIGATION

§ Lead Case No. 4:19-cv-01460

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Related Case Nos.

4:19-cv-01424; 4:19-cv-01428;

4:19-cv-01430; 4:19-cv-01431;

4:19-cv-01433; 4:19-cv-01434;

4:19-cv-01436; 4:19-cv-01440;

4:19-cv-01443; 4:19-cv-01444;

4:19-cv-01447; 4:19-cv-01450;

4:19-cv-01452; 4:19-cv-01453;

4:19-cv-01457; 4:19-cv-01459;

4:19-cv-01461; 4:19-cv-01708;

4:19-cv-01882; 4:19-cv-01886;

4:19-cv-01887; 4:19-cv-01890;

4:19-cv-02419; 4:19-cv-02425;

4:19-cv-02429; 4:19-cv-02674;

4:19-cv-02775

**ORDER REGARDING PLAINTIFFS' UNOPPOSED SECOND  
AMENDED MOTION FOR APPROVAL OF LEADERSHIP STRUCTURE**

Having carefully considered the written and/or oral submissions of Plaintiffs' counsel, together with relevant factors set forth in the Annotated Manual for Complex Litigation (4th) § 10.22, and under the authority granted by Rule 42 of the Federal Rules of Civil Procedure, the Court hereby appoints the following leadership team to fairly, effectively, and efficiently represent the interests of all plaintiffs involved in this litigation.

**A. Plaintiff Leadership**

The Court intends for the Co-Lead Counsel identified below to collaboratively lead and coordinate the common activities of all plaintiffs' attorneys in this litigation and, in consultation with the Personal Injury Plaintiffs' Steering Committees and the Commercial Plaintiffs' Steering

Committee, make all common strategic, procedural, and/or substantive decisions on behalf of all plaintiffs.

**1. Co- Lead Counsel:**

Sean P. Tracey  
Tracey & Fox  
440 Louisiana St. Suite 1901  
Houston, TX 77002

David W. Hodges  
Kennedy Hodges, LLP  
4409 Montrose Blvd., Ste 200  
Houston, TX 77006

Benny Agosto, Jr.  
Abraham, Watkins, Nichols, Sorrels, Agosto  
& Aziz  
800 Commerce St.  
Houston, TX 77002

Phillip L. Sampson, Jr.  
BRACEWELL LLP  
711 Louisiana, Suite 1200  
Houston, TX 77002

**2. Personal Injury Plaintiffs' Steering Committee: Settlement**

Shawn P. Fox  
Tracey & Fox  
440 Louisiana St. Suite 1901  
Houston, TX 77002

Benny Agosto, Jr.  
Abraham, Watkins, Nichols, Sorrels, Agosto & Aziz  
800 Commerce St.  
Houston, TX 77002

Wes Ball  
Farrar & Ball, LLP  
1010 Lamar St., Ste 1600  
Houston, TX 77002

**3. Personal Injury Plaintiffs' Steering Committee: Discovery/ESI**

Lance N. Walters  
Tracey & Fox  
440 Louisiana St., Ste 1901  
Houston, TX 77002

William R. Ogden  
Farrar & Ball, LLP  
1010 Lamar St., Ste 1600  
Houston, TX 77002

Chance McMillan  
The McMillan Law Firm  
440 Louisiana St., Ste 1200  
Houston, TX 77002

Don J. Foty  
Kennedy Hodges, LLP  
4409 Montrose Blvd., Ste 200  
Houston, TX 77006

**4. Personal Injury Plaintiffs' Steering Committee: Law & Briefing**

Russell Post  
Beck Redden  
1221 McKinney St., Ste 4500  
Houston, TX 77010

Judge Sharon McCally  
1005 Heights Blvd.  
Houston, TX 77008

**5. Personal Injury Plaintiffs' Steering Committee: Science/Experts**

Gabriel A. Assaad  
Kennedy Hodges, LLP  
4409 Montrose Blvd., Ste 200  
Houston, TX 77006

William R. Ogden  
Farrar & Ball, LLP  
1010 Lamar St., Ste 1600  
Houston, TX 77002

Benjamin Roberts  
Benjamin Roberts Law, PLLC  
440 Louisiana St., Ste 900  
Houston, TX 77002

Charles "Chip" Houssiere  
Houssiere Durant & Houssiere  
1990 Post Oak Blvd., Ste 800  
Houston, TX 77056

**6. Commercial Plaintiffs' Steering Committee:**

Phillip L. Sampson, Jr.  
Christopher L. Dodson  
Carlton D. Wilde III  
Shannon E. Glen  
BRACEWELL LLP  
711 Louisiana, Suite 2300  
Houston, Texas 77002

William R. Ogden  
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McKinney, Texas 75071

Van Bunch  
BONNETT, FAIRBOURN, FRIEDMAN & BALINT  
2325 E. Camelback Road, Suite 300  
Phoenix, Arizona 85016

**B. Leadership Structure**

The organizational structure for Plaintiffs' leadership established in this Order may not be modified or expanded, except with prior written approval of the Court. However, Plaintiffs' leadership and the Court recognize that an individual may need to be appointed as Plaintiffs' Liaison Counsel in the future, if necessary. If other changes become necessary as the litigation progresses, Plaintiffs' leadership must notify the Court and request a modification of the leadership structure.

It is intended and expected that the committees and subcommittees established above will carry out all duties within their area of responsibility. To the extent a committee or subcommittee needs additional support with its common benefit work, it may seek the participation and assistance of non-leadership counsel; however, no common benefit work may be performed by non-leadership counsel without the prior approval of Co-Lead Counsel.

**C. Personal Nature of Appointments**

All appointments are of a personal nature. Accordingly, each appointee must assume personal responsibility for the performance of his or her duties. No other attorneys may substitute for the appointee in the fulfillment of his or her exclusive duties, except with prior approval of the Court.

**D. Term of Appointments**

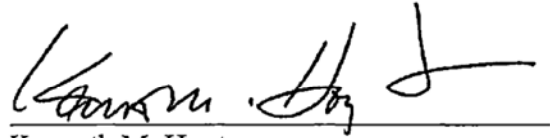
All appointments are in force for as long as this litigation continues or until modified by the Court.

**E. Communications with the Court**

All communications from the plaintiffs with the Court must be through Co-Lead Counsel. If circumstances require direct correspondence with the Court by individual counsel, copies of any such communications must be simultaneously served on Co-Lead Counsel.

It is so ORDERED.

SIGNED on this 7<sup>th</sup> day of October, 2019.

  
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Kenneth M. Hoyt  
United States District Judge