

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

**KHA VAN NGUYEN; THIET VAN KIEU;
DUNG TRAN; and HUU VAN NGUYEN; On
Behalf of Themselves and All Others Similarly
Situated,**

Plaintiffs,

vs

**BP, PLC; BP AMERICA, INC.; BP
CORPORATION NORTH AMERICA, INC.;
BP COMPANY NORTH AMERICA, INC.;
BP PRODUCTS NORTH AMERICA, INC.;
ANADARKO PETROLEUM CORP.; MOEX
OFFSHORE 2007, LLC; TRANSOCEAN LTD.;
TRANSOCEAN OFFSHORE DEEPWATER
DRILLING, INC.; TRANSOCEAN
DEEPWATER, INC.; HALLIBURTON
ENERGY SERVICES, INC.; CAMERON
INTERNATIONAL CORPORATION f/k/a
COOPER CAMERON CORPORATION; and
M-I, LLC,**

Defendants.

* **CASE NO.:**
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* **SECTION:**
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* **JUDGE:**
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* **MAGISTRATE:**
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* **JURY TRIAL DEMANDED**

CLASS ACTION COMPLAINT

Plaintiffs, individually and as representatives of a Class of Vietnamese residents of the Gulf Coast region, as defined herein, bring this class action against Defendants BP, PLC; BP America, Inc.; BP Corporation North America, Inc.; BP Company North America, Inc.; BP

Products North America, Inc.; Anadarko Petroleum Corp.; MOEX Offshore 2007, LLC; Transocean Ltd.; Transocean Offshore Deepwater Drilling, Inc.; Transocean Deepwater, Inc.; Halliburton Energy Services, Inc.; Cameron International Corporation f/k/a Cooper Cameron Corporation; and M-I, LLC as follows:

1.

Plaintiffs are Vietnamese fisherman, oysterman, shrimpers, businessmen and property owners who reside, earn their livelihood, and/or own property in the Gulf Coast region. Plaintiffs rely on the natural resources found in the Gulf of Mexico, including fish, shellfish, oysters, and other aquatic life, for their livelihood. Plaintiffs bring this class action on behalf of themselves, and all others similarly situated, against Defendants for losses and damages arising out of the catastrophic and avoidable oil spill off the Gulf Coast caused by the April 20, 2010 explosion, fire, and sinking of the Transocean's Deepwater Horizon oil rig ("Deepwater Horizon"), a semi-submersible mobile drilling rig, which was performing operations for BP on the outer Continental Shelf in the Gulf of Mexico.

2.

On or about April 20, 2010, at approximately 10:00 p.m. CST, an explosion occurred during the operation of Deepwater Horizon, approximately 50 miles southeast of Venice, Louisiana in the Gulf of Mexico. At the time of the explosion, the Deepwater Horizon was allegedly performing drilling operations for crude oil off the coast of Louisiana and was creating a cement seal and plug of the wellhead as part of the final phases of turning the Macondo well from an exploratory well into a production well.

3.

The Deepwater Horizon burned for two days before collapsing. As the Deepwater Horizon sank, it broke off the riser, leaving the pipe leaking oil out of its now-open end as well as through two breaks along its length. An emergency valve, installed on the wellhead for just such a disaster, failed to seal the wellhead as it should have, leaving the well spewing oil into the Gulf waters. Enormous amounts of oil began to spill from the well into the waters of the Gulf of Mexico as a result of the explosion and eventual sinking of the Deepwater Horizon.

4.

More than five thousand (5,000) barrels per day of crude oil have been leaking from the wellhead, resulting in an enormous and fast-growing oil slick that stretches more than nine thousand (9,000) square miles. The oil slick is spreading rapidly, as all efforts to contain the massive oil leak have failed, causing large scale devastation and damage to the income, livelihood and property of hundreds of thousands of residents of the Gulf Coast region.

5.

The Gulf oil spill is the greatest environmental disaster in our nation's history causing immeasurable damage to delicate habitats throughout the region, such as the Gulf Coast marshes, wetlands, and estuaries. This impact will destroy the habitats of large populations of fish, shellfish, crustaceans, birds and other sea and wildlife. In the Gulf Region alone, the oil spill threatens: approximately five (5) million acres of natural habitat; over four (4) hundred species; (5) hundred thousand birds, fish, and other wildlife; and (6) million of planktonic organisms.

6.

The Gulf oil spill has caused hundreds of millions of dollars in commercial and property damage to residents in the Gulf Coast region. For example, the Gulf region accounts for about

one-fifth of the total U.S. commercial seafood production and nearly three-quarters of the nation's shrimp output, in total harvesting more than one billion pounds of finfish and shellfish per year. Nearly a third of all marine recreational fishing trips, including those part of the \$1 billion per year sportfishing industry, take place on Gulf waters, according to the NOAA. In 2008, the 3.2 million recreational fishermen in the Gulf of Mexico region took 24 million fishing trips. All of these activities and businesses will be severely impacted or destroyed by this catastrophic spill.

7.

Currently, the only hope for complete cessation of the discharge of oil into the decimated waters of the Gulf comes from completion of drilling for a relief well to stop the flow of oil into the currently spilling Macondo well. The relief well will take months to complete, and while this option is being pursued, the slick of oil, which first reached land on April 30, 2010, will continue to decimate the environment as it expands and affects larger portions of wildlife and sea-life as it is driven in different directions by currents and winds.

8.

The damage caused to the Vietnamese communities in the gulf region is particularly devastating due to cultural and language obstacles that will make responsive efforts more challenging. After the fall of Saigon in 1975, tens of thousands of Vietnamese fishermen escaped communist Vietnam and found refuge in the Gulf Coast. They came in droves for one and one thing only: fishing. Fishing was the only thing they knew how to do to survive in their native country. And fishing was the only thing they could realistically do in their adopted country. The profession did not require any education, training, or language skill. This was particularly important because most of them grew up poor in Vietnam and education always had to take a

back seat to making a living. Here, fishing allows them to immediately work to support their families.

9.

The first years were hard. The Vietnamese fishermen faced resentment and discrimination from the local fishermen. There were racial insults, threats, and occasionally acts of violence. Finding strength and comfort in number, the Vietnamese fishermen tended to live and work together in various clusters along the Gulf Coast. They also tended to gather around Vietnamese churches or Buddhist temples. For most, their English skills remained very limited. However, with hard work and perseverance, they gradually gained the affection and respect of the local population. They became a major force in the Gulf Coast's fishing industry. Some studies estimate that Vietnamese-Americans account for over 60% of the industry.

10.

The oil spill has changed—and will likely change—all that. Like the rest of the industry, Vietnamese fishermen face the prospect of losing everything. But the harm faced by the Vietnamese fishermen is even more distinct and severe. They are at a particular disadvantage due to their lack of English skills. Below are some examples:

- They cannot read English documents. The inability to communicate in the English language has left thousands of Vietnamese in the Gulf Region susceptible to deception, fraud, mistake and exploitation. For example, BP exploited this deficiency by hiring Vietnamese speaking individuals to canvass the community and coerce them to sign agreements to waive their right to sue BP in return for some interim payments. BP was later forced to apologize and rescind the agreements when this deception came to light;
- Vietnamese fisherman attended training sessions for BP's "Vessels of

- They are unable to follow the oil spill updates in the mainstream media or receive adequate information regarding government assistance programs. In the aftermath of the Katrina disaster, several Vietnamese fishermen were left out of various assistance programs due to language problems; and

- They cannot realistically change careers. If fishing were to be banned permanently, or for an extended period, it would be virtually impossible for most of them to go back to school in English to study for a new trade (particularly since a large number of them are over 40 years old).

11.

Possibly even more devastating to the Vietnamese community is the loss of a way of life and cultural identity. Fishing is the only thing they know. Fishing is the glue that bonds their community together. This is what the Vietnamese-American community in the Gulf Coast is mainly known for. That community will soon disappear.

12.

Inability to communicate in and understand English also presents a significant risk of misunderstanding and mistake, as thousands of Vietnamese Class Members cannot understand legal pleadings prepared in English, notices in English or other documents and communications which impact their substantive rights. The ability to truly understand the case, understand their rights, and speak with a lawyer that is a native Vietnamese speaker, with cultural competency, is critical to adequate representation and to protecting this vulnerable community from

exploitation. Plaintiffs each speak Vietnamese. Plaintiffs have retained a native-Vietnamese speaking attorney that was also a refugee from Vietnam in the 80's and with a long history of community service in this country. He is highly educated, has practiced at leading international law firms, and has substantial experience and successes litigating and trying complex cases.

PARTIES

13.

Plaintiff Kha Van Nguyen (“Plaintiff No. 1”) is a Louisiana resident and commercial fisherman who earns his livelihood fishing and/or shrimping in the Gulf of Mexico off the coast of Louisiana in both federal and state waters. Plaintiff No. 1 is of Vietnamese national origin and principally communicates in Vietnamese. He was a fisherman in his native Vietnam and found refuge in the United States after the fall of Saigon in 1975. Plaintiff No. 1 is not fluent in the English language. Plaintiff No. 1 has been harmed and suffered damages as a result of the contamination caused by the spill and the events alleged herein.

Plaintiff Thiet Van Kieu (“Plaintiff No. 2”) is an Alabama resident and commercial fisherman who earns his livelihood fishing and/or shrimping in the Gulf of Mexico off the coast of Alabama in both federal and state waters. Plaintiff No. 2 is of Vietnamese national origin and principally communicates in Vietnamese. He was a fisherman in his native Vietnam and found refuge in the United States after the fall of Saigon in 1975. Plaintiff No. 2 is not fluent in the English language. Plaintiff No. 2 has been harmed and suffered damages as a result of the contamination caused by the spill and the events alleged herein.

Plaintiff Dung Tran (“Plaintiff No. 3”) is a Florida resident and commercial fisherman who earns his livelihood fishing and/or shrimping in the Gulf of Mexico off the coasts of Florida

and Alabama in both federal and state waters. Plaintiff No. 3 is of Vietnamese national origin and principally communicates in Vietnamese. He was a fisherman in his native Vietnam and found refuge in the United States after the fall of Saigon in 1975. Plaintiff No. 3 is not fluent in the English language. Plaintiff No. 3 has been harmed and suffered damages as a result of the contamination caused by the spill and the events alleged herein.

Plaintiff Huu Van Nguyen (“Plaintiff No. 4”) is a Mississippi resident and commercial fisherman who earns his livelihood fishing and/or shrimping in the Gulf of Mexico off the coast of Mississippi in both federal and state waters. Plaintiff No. 4 is of Vietnamese national origin and principally communicates in Vietnamese. He was a fisherman in his native Vietnam and found refuge in the United States after the fall of Saigon in 1975. Plaintiff No. 4 is not fluent in the English language. Plaintiff No. 4 has been harmed and suffered damages as a result of the contamination caused by the spill and the events alleged herein.

As a result of the events describes herein, Plaintiffs Nos. 1 to 4 (collectively “Plaintiffs”) have suffered ascertainable losses and damages. All of the damages, arising from the Deepwater Horizon’s explosion, subsequent sinking, and resultant oil spill comes due to the Defendants’ actions, and were cause by no fault of the Plaintiffs or the Class.

14.

Defendants herein are:

(a) Defendant BP, PLC is a British corporation, organized under the laws of the United Kingdom, doing business in the State of Louisiana and throughout the United States. BP is one of the world's largest oil companies.

(b) Defendant BP America, Inc. is a Delaware corporation with its principal place of business in Warrenville, Illinois, but doing business in the State of Louisiana and throughout the United States. BP America, Inc. is a subsidiary of BP, PLC.

(c) Defendant BP Corporation North America, Inc. (formerly BP Amoco Corporation), is an Indiana corporation with its principal place of business in Houston, Texas, but doing business in the State of Louisiana and throughout the United States. BP Corporation North America, Inc. is a subsidiary of BP America, Inc.

(d) Defendant BP Company North America, Inc. is a Delaware Corporation with its principal place of business in Warrenville, Illinois, but doing business in the State of Louisiana and throughout the United States. BP Company North America, Inc. is a subsidiary of BP Corporation North America, Inc.

(e) Defendant BP Products North America, Inc. is a Maryland corporation, with its principal place of business in Houston, Texas, but doing business in the State of Louisiana and throughout the United States. BP Products North America, Inc. is a subsidiary of BP Company North America, Inc.

(f) Defendants BP America, Inc., BP Corporation North America, Inc., BP Company North America, Inc. and BP Products North America, Inc. are wholly owned subsidiaries of the global parent corporation, BP, PLC, and they shall be referred to herein collectively as “BP.”

(g) BP holds the lease granted by the U.S. Minerals Management Service (“MMS”) that allows BP to drill for oil and perform oil-production-related operations at the Macondo site in the Mississippi Canyon Block 252 section of the outer continental shelf in the Gulf of Mexico. As of April 20, 2010, BP operated the Macondo oil well that is the source of the current oil spill.

(h) Defendant Anadarko Petroleum Corp. (“Anadarko”) is a Delaware corporation with its principal place of business in The Woodlands, Texas, but doing business in the state of Louisiana and within this District. Anadarko is an oil and gas exploration and production company that owns a 25% interest in the Macondo well at Mississippi Canyon Block 252.

(i) Defendant MOEX Offshore 2007, LLC (“MOEX”) is incorporated in Delaware and has its principal place of business in Houston, Texas. MOEX Offshore 2007 holds a 10% interest in the Macondo well at Mississippi Canyon Block 252.

(j) Defendant Transocean Ltd., is a Swiss corporation doing business in the State of Louisiana and within this District. Transocean Ltd. is the world's largest offshore drilling contractor and leading provider of drilling management services worldwide.

(k) Defendant Transocean Deepwater, Inc. is a Delaware corporation with its principal place of business in Houston, Texas, but doing business in the State of Louisiana and throughout the United States. Transocean Deepwater, Inc. is a subsidiary of Transocean Ltd.

(l) Defendant Transocean Offshore Deepwater Drilling, Inc. is a Delaware corporation with its principal place of business in Houston, Texas, but doing business in the State of Louisiana and throughout the United States. Transocean Offshore Deepwater Drilling, Inc. is a subsidiary of Transocean Ltd. Transocean Offshore Deepwater Drilling, Inc. is the world’s largest offshore drilling contractor.

(m) Defendants Transocean Deepwater, Inc. and Transocean Offshore Deepwater Drilling, Inc. are wholly owned subsidiaries of the global parent corporation, Transocean Ltd., and they shall be referred to herein collectively as “Transocean.”

(n) Transocean owned, and BP was leasing and operating, the Deepwater Horizon as it performed production well completion operations on the Macondo well on the outer continental shelf off the Gulf Coast, at the site from which the oil spill now originates.

(o) At all times material hereto, the Deepwater Horizon was owned, manned, possessed, managed, controlled, chartered and/or operated by Transocean and/or BP.

(p) Defendant Halliburton Energy Services, Inc. ("Halliburton") is a Delaware corporation with two headquarters, one in Houston, Texas and one in Dubai, United Arab Emirates, but doing business in the State of Louisiana and throughout the United States. Halliburton is one of the world's largest providers of products and services to the energy industry. Aboard the Deepwater Horizon, Halliburton was engaged in the cementing operations of the well and well cap.

(q) Defendant Cameron International Corporation f/k/a Cooper Cameron Corporation ("Cameron") is a Delaware Corporation with its principal place of business in Houston, Texas, but doing business in the State of Louisiana and throughout the United States. Cameron is a global provider of pressure control, processing, flow control and compression systems as well as project management and aftermarket services for the oil and gas and process industries. Cameron manufactured and/or supplied the Deepwater Horizon's blowout preventer valve ("BOP") that failed to activate at the time of the explosion.

(r) Defendant M-I, LLC ("M-I") is a Texas corporation with its principal place of business in Houston, Texas. M-I, also known as M-I SWACO, supplies drilling and completion fluids and additives to oil and gas companies, providing pressure control, rig instrumentation, and drilling waste management products and services. M-I provided the drilling fluids for the Deepwater Horizon at the time of the explosion.

JURISDICTION AND VENUE

15.

This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(d)(2), because the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and it is a class action brought by citizens of a State that is different from the State where at least one of the Defendants is incorporated or does business.

16.

Jurisdiction is also appropriate under 28 U.S.C. § 1331, because the claims asserted by Plaintiffs arise under the laws of the United States of America, including the laws of the State of Louisiana which have been declared, pursuant to 43 U.S.C. § 1331(f)(1) and 1333(a)(2), to be the law of the United States for that portion of the outer continental shelf from which the oil spill originated. Title 43 U.S.C. § 1331 (1) extends exclusive Federal jurisdiction to the outer continental shelf.

17.

This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1332 based on diversity of citizenship and the amount in controversy.

18.

This Court's venue over this action is proper under 28 U.S.C. § 1391 (a)(2) because Plaintiffs who suffered injury reside in this district.

FACTUAL ALLEGATIONS

19.

On April 20, 2010, Deepwater Horizon was in the process of creating a cement seal and plug of the wellhead. Investigators believe the explosion was a blowout, likely caused by the

cementing work the Deepwater Horizon had been performing. Although the wellhead was fitted with a blowout preventer mechanism (“BOP”), because of the concurrent failure of the well’s casing and the BOP, the well began to release, leak and/or discharge oil directly into the Gulf of Mexico. Response teams have been unable to activate the Deepwater Horizon's BOP. The well continues, unabated, to release, leak and/or discharge hundreds of thousands of gallons of oil into the Gulf of Mexico as of the date of filing of this Complaint.

20.

At the time the Deepwater Horizon exploded and caught fire, it was engaged in “cementing,” which was the process of creating a cement seal and well cap for the wellhead. Defendant Halliburton was engaged in cementing operations of the well and well cap, and improperly and negligently performed these duties, which increased the pressure at the well and contributed to the fire, explosion and resulting oil spill.

21.

The danger and delicacy of the cementing operations is well known by all of the Defendants, and within the industry. One of the main risks associated with cementing is the possibility of a “blowout” occurring. Blowout is the industry term for an uncontrolled surge of pressurized oil or gas that causes an eruption. This is believed to be the cause for the explosion, fire, and sinking of the Deepwater Horizon.

22.

In 2007, an MMS study raised concerns about accidents arising from the exact type of cementing work the Deepwater Horizon was performing. Although blowouts due to other causes were on the decline, the MMS study noted that blowouts during cementing work were continuing with regularity, and most frequently in the Gulf of Mexico. Cementing problems were associated

with 18 of 39 blowouts between 1992 and 2006, and 18 of 70 from 1971 to 1991. Nearly all the blowouts examined occurred in the Gulf of Mexico. The study also noted these types of accidents occur most frequently in the Gulf of Mexico where rigs are typically semi-submersible, like the Deepwater Horizon, and not permanently anchored into the seafloor like rigs in other areas such as the North Sea.

23.

The threat of blowouts increases as drilling depth increases. Defendants were aware of the high risk of blowouts from such deep drilling. Because of the risks associated with cementing, and deepwater oil production in general, the Deepwater Horizon was fitted with a blow-out-preventer (“BOP”), which was manufactured and/or supplied by Cameron International Corporation.

24.

The purpose of this BOP, and its associated stack of hydraulically activated valves, was to act as an emergency shut-off. The devices were supposed to automatically pinch and cut a pipe off in the event of a sudden pressure release, or blowout, the exact event which occurred during the Deepwater Horizon’s cementing operations, in order to stop or greatly reduce the amount of oil flowing from the wellhead into the surrounding waters.

25.

If functioning properly, the Deepwater Horizon’s BOP could have also been activated manually to prevent or mitigate the amount of oil spilled from the well after the explosion. However, efforts to manually activate the device immediately following the explosion and in the days following the explosion have failed, preventing crews from containing the spill.

26.

In addition to increasing the risk of blowouts, deep-sea drilling also increases the failure risk of the chief blowout safety mechanism, the BOP. Defendants were aware of the risk of the BOP failing at greater depths, yet did not install a backup BOP activation system or a backup BOP.

27.

A 2004 study by Federal regulators showed that BOPs may not function in deep-water drilling environments because of the increased force needed to pinch and cut the stronger pipes used in deep-water drilling. Only three of 14 rigs studied in 2004 had BOPs able to squeeze off and cut the pipe at the water pressures present at the equipment's maximum depth. "This grim snapshot illustrates the lack of preparedness in the industry to shear and seal a well with the last line of defense against a blowout," the study said. Moreover, the study singled out Cameron, the manufacturer of the Deepwater Horizon's BOP, for relying on faulty calculations to determine the needed strength for its BOP equipment to function properly at greater depths.

28.

Defendants could have installed a back up trigger to activate the BOP in the event of the main trigger failing to activate it. In fact, in 2000 the MMS told Defendants and other oil rig operators that it considered a backup BOP activation system to be "an essential component of a deepwater drilling system." Despite that notice, and although the backup trigger is a common drill-rig requirement in other oil-producing nations, including other areas where BP operates, the Deepwater Horizon was not equipped with this backup remote BOP trigger.

29.

Nor was the Deepwater Horizon equipped with a second, backup BOP, as newer rigs increasingly are. The Deepwater Horizon only had one BOP installed, leaving the wellhead vulnerable to disaster if the single BOP fails, as it may have done in this case.

30.

If the BOP on the wellhead had been functional, it could have been manually or automatically activated right after the explosion, cutting off the flow of oil at the wellhead, limiting the spill to a minute fraction of its current severity and thereby sparing Plaintiffs and Class Members millions of dollars in losses and damage.

31.

Defendants' failure to take precautionary backup measures when drilling at depths they knew to be especially risky is made all the worse by the fact that Defendants were drilling so close to an extremely delicate and important natural resource: the Gulf Coast marshes, wetlands, and estuaries that are a wellspring of marine life, and the source of Plaintiffs' and Class Members' livelihoods.

32.

To date, BP response efforts have been inadequate and have failed to sufficiently stop, prevent the spread of, or otherwise mitigate the catastrophic impact of the unabated oil spill.

33.

As the oil continues to make landfall along the Gulf Coast, it will cause severe damage to the delicate wetlands and intertidal zones that line the coast of Louisiana, destroying the habitats where fish, shellfish, and crustaceans breed, spawn, and mature.

34.

The timing of this disaster makes it even more damaging, as May is spawning season for some sea life and migration time for the young of some species of shrimp and pelagic fish.

35.

Such devastation at the literal source of life for so many species will severely damage and perhaps even destroy the livelihoods of the Plaintiffs and Class Members, who rely on this sea life for their livelihoods. The National Oceanographic and Atmospheric Administration (“NOAA”) has restricted fishing for days in various portions of the Gulf of Mexico.

36.

Defendant BP has a history of cutting corners on safety to reduce operating costs. In 2005, a blast at a Texas refinery killed 15 people and injured more than 170; Federal investigators found the explosion was in part due to cost-cutting and poor facility maintenance. Also in 2005, a large production platform in the Gulf of Mexico began listing severely due to a defective control system. And in 2006, four years after being warned to check its pipelines, BP had to shut down part of its Prudhoe Bay oilfield in Alaska after oil leaked from a corroded pipeline.

37.

Nevertheless, BP continues to fight for less regulation of the oil exploration and production industry. In 2009, Defendant BP spent more than \$16 million lobbying the Federal government on issues including encouraging removing restrictions on drilling on the continental shelf, despite its history of spills and explosions and its knowledge of the high risks involved in such drilling.

38.

Moreover, Defendants have actively opposed MMS rules requiring oil rig lessees and operators to develop and audit their own Safety and Emergency Management Plans, insisting that voluntary compliance will suffice. The Deepwater Horizon incident is a tragic example to the contrary.

39.

The fire and explosion on the Deepwater Horizon, its sinking and the resulting oil spill were caused by the negligence of Defendants, which renders them jointly and severally liable to Plaintiffs and the Class Members for all their damages.

40.

Defendants were aware at all relevant times hereto that their operations and acts and/or omissions described herein created an unreasonable risk of harm and knew that catastrophic environmental destruction and economic loss would occur if the well being serviced by the Deepwater Horizon were to blow out. The risks of offshore drilling are well known to Defendants, and are especially high in the Gulf of Mexico, where floating rigs are used, unlike the permanent rigs used in other areas such as the North Sea. Permanent rigs are anchored to the ocean floor and cannot sink, while floating rigs are far more precarious and subject to disastrous results like this incident.

41.

Despite Defendants' knowledge of the dangers associated with deep water drilling, they failed to take appropriate measures to prevent damage to Plaintiffs, the Class Members and the marine, coastal, and estuarine areas of the Gulf Coast, where Plaintiffs and the Class Members work and earn a living. Moreover, additional safety mechanisms, technologies, and precautions

were known and available to Defendants, but Defendants chose not to employ them on the Deepwater Horizon.

42.

After the explosion, Defendants attempted to downplay and conceal the severity of the oil spill. Their initial leak estimate of 1,000 barrels per day was found by government investigators to be a fraction of the actual leak amount of 5,000 barrels of oil per day. Moreover, Defendants were slow and incomplete in their announcements and warnings to Gulf Coast residents and businesspeople about the severity, forecast, and trajectory of the oil spill.

43.

The oil spill and the resulting contamination have caused and will continue to cause loss of revenue to individuals and businesses that cannot use the Gulf of Mexico and shore to work and to earn a living.

44.

There are many other potential effects from the oil spill that have not yet become known, and Plaintiffs reserve the right to amend this Complaint once additional information becomes available.

45.

Defendants were indifferent to the risks known to them and Defendants acted intentionally with knowledge that their acts would probably result in injury or in such a way as to allow an inference of a reckless disregard of the probable consequences of their acts. Therefore, Defendants are also liable to Plaintiffs for gross negligence and/or willful misconduct. The oil spill that is causing damage to Plaintiffs was proximately caused by Defendants' gross negligence and/or willful misconduct.

CLASS DEFINITION

46.

Plaintiffs bring this action on behalf of themselves and all others similarly situated, who are members of the following Class:

All Vietnamese persons who claim injury and/or damages as a result of the April 20, 2010 fire and explosion which occurred aboard the Deepwater Horizon drilling rig and the resulting oil spill.

47.

Excluded from the Class are:

- (a) the officers and directors of any of Defendants;
- (b) any judge or judicial officer assigned to this matter and his or her immediate family;
- (c) any individual who has claims for personal physical, bodily injury as a result of the April 20, 2010 explosion and fire that is the subject of this action; and
- (d) any legal representative, successor, or assign of any excluded persons or entities.

CLASS ACTION ALLEGATIONS

48.

Plaintiffs' claims are made on behalf of themselves and all others similarly situated under Rule 23 of the Federal Rules of Civil Procedure.

Numerosity of the Class

49.

On information and belief, the Class consists of hundreds or thousands of individuals and/or businesses who have been legally injured by the disaster, making joinder impracticable.

Typicality and Commonality

50.

The claims of the representative Plaintiffs are typical of the claims of the Class in that the representative Plaintiffs, like all Class Members, have suffered adverse effects proximately caused by the disaster.

51.

Furthermore, the factual bases of Defendants' misconduct are common to all Class Members and represent a common thread of misconduct resulting in injury to all members of the Class.

Adequacy

52.

Plaintiffs, native Vietnamese speakers, will fairly and adequately represent and protect the interests of the Vietnamese Class. Each named Plaintiff is: (1) of Vietnamese national origin; (2) native language is Vietnamese; (3) possesses cultural competence in the Vietnamese community; (4) is a resident of a Gulf Coast State; (5) has suffered injury or loss as a result of the oil spill; and (6) is committed to zealously pursuing this action and effectively protecting the rights and interests of Vietnamese Class Members. Plaintiffs have retained counsel with substantial experience in prosecuting environmental, mass tort, and complex class actions, including actions involving environmental contamination and, specifically, catastrophic oil spills. Plaintiffs have specifically retained a highly qualified and competent attorney who is of Vietnamese national origin, whose native language is Vietnamese, who is actively involved in the Vietnamese community (both before and after the oil spill at issue) and who has extensive experience communicating with Vietnamese speaking clients.

53.

Plaintiffs and their counsel are committed to prosecuting this action vigorously on behalf of the Class and have the financial resources to do so. Neither Plaintiffs nor their Counsel have interests adverse to those of the Class.

Predominance of Common Questions of Fact and Law

54.

There is a well-defined community of interest in that the questions of law and fact common to the Class predominate over questions affecting only individual Class Members and include, but are not limited to, the following:

- (a) Whether Defendants actions alleged herein caused residents in the Gulf Coast region to lose the use and enjoyment of beaches, coastal waters and other property;
- (b) Whether Defendants actions alleged herein caused a public nuisance;
- (c) Whether Defendants caused and/or contributed to the explosion, fire and oil spill;
- (d) Whether Defendants were negligent in the design, maintenance, manufacture, and/or operation of the of the oil rig, its pipes, valves, and other machinery and materials;
- (e) Whether Defendants knew or should have known of the risk of a major failure of the rig such as that which caused it to fail and resulted in the explosion, fire and oil spill;
- (f) Whether Defendants knew of, or should have utilized, all available safety mechanisms to prevent a blowout and/or seal the wellhead;
- (g) Whether Defendants failed:
 - (i) to operate the Deepwater Horizon in a safe manner;
 - (ii) to properly inspect the Deepwater Horizon to assure that its equipment and personnel were fit for their intended purposes;

(iii) to promulgate, implement and enforce rules and regulations pertaining to the safe operations of the Deepwater Horizon, which, if they had been promulgated, implemented and enforced, would have averted the fire, explosion, sinking and oil spill;

(iv) to adhere to applicable safety, construction, and/or operating regulations, including, but not limited to regulations designed to prevent the fire, explosion, and discharge of oil;

(v) to properly design and/or engineer the well;

(vi) to take appropriate action to avoid or mitigate the explosion and oil spill;

(vii) to take appropriate action to ascertain that the Deepwater Horizon and its equipment were free from defects and/or proper working order;

(viii) to timely warn;

(ix) to provide all reasonable cooperation and assistance requested by the responsible officials in connection with the clean-up and removal activities;

(x) to take all reasonable, available, and necessary measures to stop the oil leak and to prevent additional damage from the spill; and

(xi) to timely bring the oil release under control, to prevent the spill from spreading, and to provide appropriate equipment and resources to stop migration of the spill.

(h) Whether Defendants utilized BOPs that were defective, failed to ensure that BOPs would work as intended, failed to test the BOPs to ensure that they would work properly, failed to conduct well cementing operations properly and/or failed to employ alternative cementing operations in light of known problems with actual cementing operations.

(i) Whether Defendants knew or should have known that their activities would cause damage to Plaintiffs;

(j) Whether Defendants engaged in other acts of negligence;

(k) Whether Defendants acted maliciously or with reckless disregard to the risk of a major failure of the rig, its pipes, valves, and other machinery and materials; and

(l) The amount of damages Plaintiffs and the Class Members should receive in compensation.

Superiority

55.

Absent class treatment, Plaintiffs and Class Members will continue to suffer harm and damages as a result of Defendants' unlawful and wrongful conduct.

56.

A class action is superior to all other available methods for the fair and efficient adjudication of this controversy. Without a class action, individual Class Members would face burdensome litigation expenses, deterring them from bringing suit or adequately protecting their rights. Because of the ratio of the economic value of the individual Class Members' claims in comparison to the high litigation costs in complex environmental cases such as this, few could likely seek their rightful legal recourse. Absent a class action, Class Members would continue to incur harm without remedy. A Class action is a particularly superior method of adjudicating the claims of members of the Vietnamese community due to the unique cultural and language barriers alleged herein.

57.

The consideration of common questions of fact and law will conserve judicial resources and promote a fair and consistent resolution of these claims.

FIRST CLAIM FOR RELIEF

Nuisance

Plaintiffs, on behalf of themselves and the Class Members, reallege each and every allegation set forth above.

58.

By virtue of the conduct alleged herein, including the discharge of oil into the Gulf of Mexico which has spread and/or threatens to spread to the beaches and waters of Louisiana, Mississippi, Alabama and Florida, Defendants have created a nuisance

59.

Defendants' inadequate manufacture, maintenance and operation of the Deepwater Horizon was unreasonable.

60.

The citizens of Louisiana, Mississippi, Alabama and Florida are each entitled to beaches and property that is free of oil contamination.

61.

Defendants have unreasonably interfered with the use and enjoyment of uncontaminated beaches and coastline by the residents of Louisiana, Mississippi, Alabama and Florida, including named Plaintiffs and the Vietnamese Class.

62.

As a direct and proximate result of the Defendants' creation of a nuisance, Plaintiffs and the Vietnamese class have suffered unreasonable and substantial annoyances and unreasonable

or substantial interference with the use and enjoyment of their properties, including but not limited to, extensive destruction and contamination of their real and personal property and environment, and will continue to suffer property, economic and other damages and are entitled to recover money damages, including but not limited to, diminution of value to property and business, loss of income and revenue, and any incidental or consequential damages resulting from Defendants' conduct.

63.

Defendants are liable jointly and severally for Plaintiffs' damages resulting from Defendants' creation of a nuisance.

64.

As a direct and proximate result of the permanent nuisance created by Defendants, Plaintiffs and Class Members have suffered actual and threatened legal injury for which there is no adequate remedy at law, making preliminary and final injunctive relief appropriate.

SECOND CLAIM FOR RELIEF

Trespass

Plaintiffs, on behalf of themselves and the Class Members, reallege each and every allegation set forth above.

65.

Defendants' discharged a polluting matter beyond the boundary of the Plaintiffs' and Class Members' property in such a manner that, it was reasonably foreseeable that the pollutant would, in due course, invade Plaintiffs' and the Class Members' property and cause harm.

66.

By discharging polluting matter, Defendants entered, invaded, and intruded on the properties of Plaintiffs and the Class Members without privilege, permission, invitation, or justification.

67.

Defendants had a duty to use reasonable care not to enter, intrude on, or invade Plaintiffs' and Class Members' properties. Defendants also owed a duty to Plaintiffs and members of the Class to exercise reasonable care in the manufacture, maintenance, and operation of the Deepwater Horizon.

68.

Defendants had a heightened duty of care to Plaintiffs and the Class because of the great danger associated with deep drilling from floating platforms, and the especially high risk of blowouts during cementing work.

69.

Defendants breached the duty they owed to Plaintiffs and members of the Class when they failed to exercise reasonable care in the manufacture, maintenance and operation of the Deepwater Horizon, which conduct resulted in entry, intrusion, or invasion of Plaintiffs' and Class Members' properties.

70.

Defendants knew or should have known that their conduct would foreseeably result in a disastrous blowout and oil spill, causing damage to the properties and economic interests of persons in the area affected by the spill.

71.

As a direct and proximate result of Defendants' trespass, Plaintiffs and the Class Members have suffered legal injury and damages, in an amount to be proven at trial, including but not limited to, property damage, diminution of value of real estate, loss of income and other economic loss.

72.

Defendants' wanton or reckless conduct, as described herein, entitles Plaintiffs and Class Members to punitive damages.

THIRD CLAIM FOR RELIEF

Wantonness

Plaintiffs, on behalf of themselves and the Class Members, reallege each and every allegation set forth above.

73.

Defendants owed a duty to all Plaintiffs and Class members to exercise reasonable care in the manufacture, maintenance and operation of the Deepwater Horizon.

74.

Defendants had a heightened duty of care to all Plaintiffs and the Class Members because of the great danger associated with deep drilling from floating platforms, and the especially high risk of blowouts during cementing work such as that Deepwater Horizon was performing at the time of the explosion.

75.

Defendants breached their legal duty to Plaintiffs and the Class, failed to exercise reasonable care, and acted with reckless, willful, and wanton disregard for the property and

economic interests of others, including Plaintiffs and the Class Members, in the negligent manufacture, maintenance and/or operation of the Deepwater Horizon.

76.

Defendants knew or should have known that their wanton or reckless conduct would foreseeably result in a disastrous blowout and oil spill, causing damage to the property and economic interests of individuals and businesses in the area affected by the oil spill.

77.

As a direct and proximate result of Defendants' wanton or reckless conduct, Plaintiffs and Class Members have suffered legal injury and damages, including but not limited to, diminution of value of real estate, loss of income, and other economic loss and loss of enjoyment of real property.

78.

Defendants' wanton or reckless conduct, as described herein, entitles Plaintiffs' and Class Members to punitive damages.

FOURTH CLAIM FOR RELIEF

Negligence

Plaintiffs, on behalf of themselves and the Class Members, reallege each and every allegation set forth above.

79.

The blowout explosion, fire, and resulting oil spill were caused by the joint negligence of the Defendants.

80.

Upon information and belief, Plaintiffs allege that the disaster was the result of Defendants' joint negligence in:

- (a) Failing to properly maintain and/or operate the Deepwater Horizon;
- (b) Operating the Deepwater Horizon in such a manner that an explosion and fire occurred onboard, causing it to sink and resulting in an oil spill;
- (c) Failing to properly inspect the Deepwater Horizon to assure that all equipment and personnel were fit for their intended purpose;
- (d) Failing to promulgate, implement, and enforce proper rules and regulations to ensure the safe operations of the Deepwater Horizon, which would have prevented the disaster;
- (e) Failing to take appropriate action to avoid or mitigate the accident;
- (f) Negligently implementing policies and procedures to safely conduct offshore operations in the Gulf of Mexico;
- (g) Failing to ensure that the Deepwater Horizon and its equipment were free from defects and/or in proper working order;
- (h) Failing to timely warn;
- (i) Failing to timely bring the oil release under control;
- (j) Failing to provide appropriate disaster prevent equipment;
- (k) Acting in a manner that justifies imposition of punitive damages; and
- (l) Such other acts and omissions as will be shown at the trial of this matter.

81.

The injuries to Plaintiffs and the Class Members were also caused by or aggravated by the fact that Defendants failed to take necessary actions to mitigate the danger associated with their operations.

82.

Furthermore, the disaster would not have occurred had the Defendants exercised a high degree of care. Plaintiffs, therefore, plead the doctrine of *res ipsa loquitur*.

83.

Plaintiffs and the Class Members are entitled to a judgment finding Defendants liable to Plaintiffs and the Class Members for damages suffered as a result of Defendants' acts and omissions.

FIFTH CLAIM FOR RELIEF

Gross Negligence

Plaintiffs, on behalf of themselves and the Class Members, reallege each and every allegation set forth above.

84.

Defendants owed a duty to all Plaintiffs and Class Members to exercise reasonable care in the manufacture, maintenance, and operation of the Deepwater Horizon.

85.

Defendants had a heightened duty of care to all Plaintiffs and the Class Members because of the great danger associated with deep drilling from floating platforms, and the especially high risk of blowouts during cementing work such as the Deepwater Horizon was performing at the time of the explosion.

86.

Defendants breached their legal duty to Plaintiffs and the Class, failed to exercise reasonable care, and acted with reckless, willful, and wanton disregard for the business and livelihood of others, including Plaintiffs and the Class Members, in the negligent manufacture, maintenance, and/or operation of the Deepwater Horizon.

87.

Defendants knew or should have known that their wanton or reckless conduct would foreseeably result in a disastrous blowout and oil spill, causing damage to the economic interests of individuals and businesses in the area affected by the oil spill.

88.

As a direct and proximate result of Defendants wanton or reckless conduct, Plaintiffs and Class Members have suffered legal injury and damages, in an amount to be proven at trial, including, but not limited to, loss of livelihood, loss of income, and other economic loss.

89.

Defendants' wanton or reckless conduct, as described herein, entitles Plaintiffs and Class Members to punitive damages.

SIXTH CLAIM FOR RELIEF

Negligence Per Se

Plaintiffs, on behalf of themselves and the Class Members, reallege each and every allegation set forth above.

90.

Defendants' conduct with regard to the manufacture, maintenance, and/or operation of drilling operations and oil rigs such as the Deepwater Horizon is governed by numerous state and federal laws, and permits issued under the authority of these laws.

91.

These laws and permits create statutory standards that are intended to protect and benefit Plaintiffs and the Class Members.

92.

Defendants' violations of these statutory standards constitute negligence *per se* under Louisiana Law, Mississippi Law, Alabama Law and Florida Law.

93.

Defendants' violations of these statutory standards proximately caused Plaintiffs' and the Class Members' injuries, warranting compensatory and punitive damages.

SEVENTH CLAIM FOR RELIEF

Strict Products Liability for Manufacturing Defect

94.

Defendant Cameron manufactured and/or supplied the Deepwater Horizon's BOP.

95.

At the time of, and since the explosion, Defendant Cameron's BOP failed to operate properly or at all, and this failure caused or contributed to the oil spill.

96.

Defendant Cameron's BOP was defective because it failed to operate as intended, either by manual trigger or by automatic trigger.

97.

As a result of the BOP product defect, oil was discharged and continues to be discharged from the Deepwater Horizon, causing injury to Plaintiffs and the Class Members.

98.

Defendant Cameron's BOP was in a defective condition and unreasonably dangerous to Plaintiffs when the BOP left Defendant Cameron's control.

99.

At all times, Defendant Cameron's BOP was used in the manner intended.

100.

By reason of the foregoing, Plaintiffs have incurred damages in an amount to be determined at trial, and are entitled to compensatory and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and the Class Members demand judgment against Defendants, jointly and severally, as follows:

A. An order certifying the Class as set forth herein, appointing Plaintiffs as Class Representatives, and appointing undersigned counsel as counsel for the Class;

B. Economic and compensatory damages in amounts to be determined at trial;

C. Punitive damages;

D. Pre-judgment and post-judgment interest at the maximum rate allowable by law;

E. Attorneys' fees and costs; and

F. Such other and further relief available under all applicable state and federal laws and any relief the Court deems just and appropriate.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury.

DATED: June 15, 2010

Respectfully Submitted,

/s/ Andrew A. Lemmon

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