



BRENT COON & ASSOCIATES
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Principal Office:

May 6, 2010

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Founder
Brent Coon

Judge Lee H. Rosenthal
United States Courthouse
515 Rusk Street, Room 11535
Houston, Texas 77002

San Francisco, California
415.489.7420

Baton Rouge, Louisiana
225.751.7277

Re: United States of America v. BP Products North America
Fifth Circuit Court of Appeals No. 08-20125
District Court No. 4:07-cr-434

Boston, Massachusetts
617.973.9777

Dear Judge Rosenthal:

Jackson, Mississippi
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St. Louis, Missouri
314.822.0732

Cleveland, Ohio
216.241.1872

You hopefully recall that my firm represented a large number of the victims of the BP Texas City refinery explosion of March 2005. We also served as lead counsel in the litigation and our extensive investigation led to findings of a criminal nature. This information was turned over to the Dept of Justice. Subsequently, we worked with a team from the DOJ to provide full assistance and cooperation to this investigation.

Philadelphia, Pennsylvania
215.564.9245

Unfortunately, the DOJ subsequently entered into a Plea Agreement with BP without consultation with the victims, in direct contravention to the Crime Victims Act. A number of my clients and those represented by other firms took issue with this backroom deal and of the conditions involved, which resulted in a relatively minor fine of \$50,000,000 and three years probation. No criminal charges were levied against anyone in BP management. This was much less than the fines for the environmental spill in Alaska and the price fixing scandal. My clients felt that it was wrong to let them off for so much less in the case where there was so much proven knowledge of wrongdoing and so many lives were lost or ruined. Human lives should be more important.

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Nonetheless, this Court accepted the Plea Agreement over our objections and our expressed concerns that it would not deter future misconduct. (Plea Agreement attached as Exhibit "A").

Since then, BP has been cited for numerous other knowing violations in their refineries and is now involved in the largest environmental catastrophe we have ever seen. Three more workers have died since the BP Texas City explosion.... at the very same refinery! Under this courts order, BP was required to comply with the terms of the OSHA settlement agreement entered into in Sept 2005 between BP and OSHA. Under the terms of that agreement BP was to pay fines exceeding \$20,000,000 for 300 KNOWING and WILLFUL violations of OSHA safety regulations. They were also to repair the Texas City facility to a safe operating standard by September 2009.

BP failed to comply with the agreement and OSHA assessed them \$87,000,000 in additional fines last fall. (OSHA report attached as Exhibit "B"). This Court accepted a plea that required BP to comply with the 2005 OSHA settlement. Since they failed, for that reason alone, the court should REVOKE the plea and set aside the probation. The finding of numerous ongoing violations of OSHA operational standards, are further reason to REVOKE the probation.

The disaster in the Gulf of Mexico is yet another reason to REVOKE their probation.

Families whose lives were torn apart five years ago now grieve for yet another round of families who have lost loved ones due to BP's continued pattern of mistakes, mistakes that regularly coat the lives of innocent people.

We ask this Court to please reconsider these issues in the interest of justice.

Sincerely,

A handwritten signature in black ink, appearing to be 'Brent W. Coon', with a long horizontal line extending to the right.

Brent W. Coon
Counsel on behalf of victims of the
2005 Texas City Refinery explosion

BWC/sdr
Enclosures

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