

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

**In Re: Oil Spill by the Oil Rig “Deepwater
Horizon” in the Gulf Of Mexico, on
April 20, 2010**

* **MDL NO. 2179**

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* **SECTION: J**

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This document relates to:

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* **HONORABLE CARL J. BARBIER**

*

Donovan v. Herman, No.19-12014

*

* **MAGISTRATE JUDGE**

*

WILKINSON

MOTION TO DISMISS

NOW INTO COURT comes the undersigned, Defendant in the above-caption matter, and, in accordance with the Court’s Order of January 17, 2020 [Rec. Doc. 26213], respectfully moves to dismiss the Complaint, pursuant to Rules 12(b)(1) and/or 12(b)(6) of the Federal Rules of Civil Procedure, for the reasons that follow:

I.

To the extent that Mr. Donovan seeks to assert claims on behalf of his clients, he lacks standing to do so.

II.

To the extent that Mr. Donovan seeks to assert his own claims, he **(i)** cannot state a cause of action as a matter of law, and **(ii)** has no Article III standing to do so.

III.

All of the claims which appear to be asserted in the Complaint are preempted under Louisiana Revised Statute 9:5605(a).

Certificate of Service

I HEREBY CERTIFY that the above and foregoing Motion will be filed into the record using the Court's ECF electronic filing system, will be served *via* E-Mail upon Mr. Donovan, and will be served upon All Counsel *via* File & ServeXpress in accordance with Pre-Trial Order No. 12, this 5th day of February, 2020.

/s/ Stephen J. Herman