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The Honorable Carl Joseph Barbier  
Judge, U.S. District Court for the Eastern District of Louisiana  
500 Poydras Street  
New Orleans, Louisiana 70130

Dear Judge Barbier:

This is the second letter that I have addressed to you regarding the plight of the victims of the Deepwater Horizon tragedy. While I do not relish writing this letter, I feel obligated to my patients who have been severely affected by this tragedy and who will not qualify for benefits under the proposed settlement conjured by the Patients Steering Committee and BP.

I have had the privilege of knowing and treating a large number of victims of the Deepwater Horizon (Macondo, Mississippi Canyon 252) oil spill and I have a great deal of familiarity with the symptoms associated with the illnesses caused by exposure to the products of the spill.

I recently obtained a copy of the guidelines that I believe were produced by the Plaintiff Steering Committee with regard to eligibility for the Medical Benefits available to victims of the spill. A copy of those guidelines is attached.

The location of my practice, my familiarity with the illnesses being experienced by individuals exposed to the products of the spill, my familiarity with the Louisiana coast and the communities involved in the spill have all provided me with a unique opportunity to comment on the "Agreement."

As a civilian trying to comment on a proposed legal document prepared by a large number of plaintiff attorneys and a huge oil corporation, I am way out of my league with regard to the legal aspects of the agreement. However, I can assure you that, from the vantage point of someone who represent the health issues of a sizable number of spill victims, the language of this agreement was not designed to protect the true victims of this tragedy.

Let me begin by addressing the first issue listed in the proposed settlement,  
"Eligibility."

The third category of this list is "Certain Zone A Residents." A few lines later "Zone A Residents" is defined as "Individuals who live within one-half mile of the coast in Grand Isle, Louisiana; Mississippi; Alabama and the Florida Panhandle. The coastal areas included:.....(Please refer to attachment.)

Under the proposed definition of "Coast," few, if any, people living in the State of Louisiana qualify for this designation, while over 100,000 individuals living elsewhere do qualify. The number of people who traveled through contaminated waters and overspray while working or while fishing, swimming or otherwise recreating in this area is enormous. The number of citizens of Venice, Buras and similar communities who received massive exposure to the water, fumes, overspray and other related chemicals released during this disaster is amazingly large and is not covered by the Zone A category.

The population of Grand Isle comprises approximately 1,600 people. Few other people live within ½ mile of "The Coast." That leaves EVERYONE else in the state of Louisiana, the state that suffered the brunt of exposures and illnesses, with very few people who can qualify for this designation. (Zone A Residents.)

Equally confusing and probably equally as inequitable is the designation of "Zone B Residents." What on earth is the PSC's and BP's definition of "Wetlands prior to December 31, 2010?" And how can we possibly estimate the number of people affected by this tragedy to be 5,000.

A few days ago I created a primitive video designed to illustrate the plight of three women who were currently in a treatment program designed to assist victims of the oil spill. The three women are from three entirely different walks of life and had three entirely different routes of exposure to the chemicals causing their illnesses.

Yet, their symptoms are glaringly similar and quite unique to the type of illness being experienced by the vast majority of people I have treated for almost two years.

The first woman featured in this short clip was an office worker in Harahan, Louisiana. Shortly after the spill began, she noted a peculiar odor in the air and she became progressively ill with a bazaar series of symptoms. She was seen by numerous physicians and received extensive testing for her illness, none of which could accurately reflect what was causing her problem.

Aside from her extreme fatigue, headaches and other malaises, she developed a weakness of one side of her face that prevented her from seeing and she was unable

to drive her automobile. She eventually lost her job and after several attempts to treat her problem were unsuccessful, she arrived at our facility for an assessment.

The next woman shown on the video was involved in commercial sales and became ill while swimming in the Gulf of Mexico in Destin, Florida. She became progressively sick and then realized that her illness was related to her swimming in the Gulf.

She was seen by several physicians and had a very comprehensive and expensive series of studies performed. Like the first patient we cited, nothing of a definitive nature was discovered through her testing and when I first met her, her husband had to assist her to walk into our facility.

While her recovery, to date, has been astonishing, I do not believe she will ever obtain a total ablation of the symptoms that have destroyed her life and livelihood to this date.

The last woman cited is a commercial fisherman from Port Sulfur, Louisiana. She first became ill while trawling with her husband in Barataria Bay. Her illness, and that of her husband and grandchild, was almost identical to the illnesses being experienced with the other two women cited previously.

She, too, received numerous tests and saw multiple physicians, all to no avail.

From my vantage point, none of these women qualify for benefits under the PSC – BP settlement agreement. Please understand that I have not “Cherry Picked” these three women. They just happened to be in our program at the same time and, although their backgrounds and exposures were entirely different, they share almost identical symptoms and experiences with regard to their inconclusive diagnostic studies and treatment results.

(One of these women completed her program yesterday. I could easily plug into this story another woman who has taken her place.)

Next, I would like to jump to the top of page 2, and address the items under “Compensation.”

Under the headings of “Acute” and “Chronic” conditions I would like to make the following comments:

While almost anything could fit in the “Acute Conditions/Symptoms:” category, it is the category of “Chronic Conditions” that is beyond absurd.

As I mentioned previously, I have helped direct the care of about 50 people who entered a “Detox Program” located in my family home in Raceland.

**The list of Chronic Conditions proposed for this settlement is not even close to the illnesses being experienced by the vast majority of the people I have interviewed and treated.**

For the PSC to put this misinformation in writing can mean only one or two things.

- 1) They have been GROSSLY MISINFORMED.
- 2) They are attempting to ignore the more significant symptoms resulting from these illnesses.

By structuring these classes and symptoms in the manner that has been proposed by the PSC and BP, a large number of VERY ill and innocent people will be denied compensation for their VERY real illnesses.

At the risk of sounding like I am partaking of patronization, I would like to end by making the following comments to you as a jurist.

My dearest friend and confidant is an attorney with a master's degree in admiralty. He is not handling any cases nor is he advising anyone (other than myself) on the technical aspects of this case.

Each time I discuss the issue of the oil spill and the illnesses I have been treating with him, he assures me that the Judge (Carl Barbier) is an honest and honorable man.

I trust that he is correct in his observations, and ask only that the innocent victims of this tragic event are treated with the consideration and compassion that is commensurate with the amount of suffering that they have endured. To do otherwise would only add an additional chapter to this already tragic event.

Sincerely yours,

Michael Robichaux, MD

Enclosures:

One DVD featuring the three women described in this letter

Medical Benefits Settlement Agreement