

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

RUDY F. and BETTY WEBB, husband and wife,  
ARNEZ and CHARLETHA HARPER, husband and wife,  
on behalf of themselves, and all others similarly situated

*Plaintiffs*

v.

Civil Case No. 4:13 CV 232 BSM

EXXON MOBIL CORPORATION  
d/b/a EXXONMOBIL®  
EXXONMOBIL PIPELINE COMPANY  
MOBIL PIPE LINE COMPANY

*Defendants.*

**MOTION TO FILE PLAINTIFFS' UNDISPUTED STATEMENT OF FACTS NOT  
UNDER SEAL AND FOR AN ORDER OF THIS COURT DIRECTING EXXON TO  
SHOW CAUSE WHY ANY DOCUMENT PRODUCED TO DATE  
IS ENTITLED TO CONFIDENTIALITY**

Plaintiffs, for their Motion to file Plaintiffs' Undisputed Statement of Facts Not Under Seal and for an Order of this Court Directing Exxon to Show Cause Why Any Document Produced to Date is Entitled to Confidentiality, state:

1. This case involves ExxonMobil's failure to properly maintain and repair the Pegasus Pipeline, an aging, antiquated pipeline that has remained in operation 35 years after its life expectancy. (Magnolia Pipeline Expert Testimony, pp. 11, 61-62, 101, 111, Exhibit "1").

2. ExxonMobil has kept this pipeline in operation, despite warnings that the ERW pipe manufactured before 1970 was operationally dangerous due to the manufacturing process that resulted in weak seams and hook cracks throughout the pipe. (DOT Pipeline Safety Alert Notice, January 28, 1988, Exhibit "2;" and U.S. Department of Commerce, July 1989 Executive Summary, p. iv, Exhibit "3").

3. In keeping this ancient pipeline in operation, ExxonMobil ignored the warnings of pipe failure revealed by its own testing.

4. ExxonMobil has failed to properly maintain the Pegasus Pipeline, leaving the pipe exposed above ground in many areas, including the Lake Maumelle Watershed, which provides drinking water to over 400,000 residents in Central Arkansas. The Mayflower Oil Spill was only miles away from destroying this water source that is essential for Little Rock and the Central Arkansas area. (*See* photos, Exhibit “4”).

5. When asked to defend its maintenance and repair of this pipeline, ExxonMobil has declared that every single document it possesses regarding the maintenance and repair of this pipeline is “CONFIDENTIAL” information which cannot be disclosed to the public. ExxonMobil claims that the very people whose property this pipeline crosses are not entitled to know the dangerous condition of this pipeline, lying beneath and, in some cases, openly exposed above ground on their property.

6. ExxonMobil declared *every single page*, of the 872,000 pages produced, “CONFIDENTIAL.”

7. ExxonMobil wishes to try this lawsuit in secrecy and under seal. By declaring every single page of the documents produced in this case as “CONFIDENTIAL,” ExxonMobil is seeking unprecedented judicial censorship of a dangerous and hazardous situation, which not only affects the property owners in this case, but the public at large. This type of unprecedented secrecy can jeopardize public health and safety and has no place in our Courts. (*See The Hazards of Secrecy: 10 Cases Where Protective Orders or Confidential Settlements Jeopardize Public Health & Safety*, ATLA Docket, Winter 2012, at p. 19, Exhibit “5”).

8. ExxonMobil's designation of every page as "CONFIDENTIAL" is clearly unjustified, made for an improper purpose, and imposes unnecessary expense and burdens on the parties, the Clerk's office and this Court. Plaintiffs respectfully request that ExxonMobil be required to show cause why any of the documents produced to date should be designated "CONFIDENTIAL."

9. For the reasons cited in Plaintiffs' Memorandum in Support and the Exhibits attached hereto and to Plaintiffs' Statement of Undisputed Facts, filed under seal, Plaintiffs respectfully request an Order of this Court (1) allowing Plaintiffs' Statement of Undisputed Facts and Exhibits thereto, to be filed, not under seal; and (2) for an Order of this Court directing ExxonMobil to show cause why every single document produced to date by ExxonMobil is entitled to confidentiality.

WHEREFORE, Plaintiffs pray for the relief requested herein and for all other appropriate relief as may be determined by the Court.

DATED: October 27, 2014.

Respectfully submitted,

By: /s/ Thomas P. Thrash  
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**CERTIFICATE OF SERVICE**

I Thomas P. Thrash, the undersigned, hereby certify that a true and correct copy of the foregoing is being served by electronic notification through the U.S. District Court Arkansas Eastern District CM/ECF electronic filing system and by electronic mail upon the following counsel of record:

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On this 27<sup>th</sup> day of October, 2014.

/s/ Thomas P. Thrash