

## Montgomery Lawyer says BP trying to back out on agreement

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[By Bob Martin - Publisher](#)

Montgomery lawyer Rhon Jones, the class counsel for plaintiffs in the private economic and property class settlement against BP, charged this week that giant oil company is trying to renege on its settlement agreement to compensate victims of the gulf oil spill.

Jones and the Beasley Allen Law Firm in Montgomery represent plaintiffs in the private economic and property class settlement against BP. They also represent Gov. Bentley and the State regarding the economic losses for the state of Alabama from the oil spill.

In a column published recently by John C. Minge, the chairman and president of BP America Inc., insisted BP is trying to honor its commitment to the victims. "This comes even as BP continues a dispute with the court over the interpretation of the Business Economic Loss calculation procedures -- procedures BP helped develop and agreed to," Jones says.

He charges that BP has started a direct advertising and mail campaign threatening claimants. "It is a thinly veiled attempt to intimidate businesses and their lawyers who have properly filed and been paid according to the terms that BP, without question, agreed to under the settlement agreement.

"In the settlement agreement, BP got predictability and eliminated uncertainty, while also giving oil spill victims economic aid when they needed it the most -- now, not 10 years from now. In

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return, claimants gave up the right to seek damages extending beyond 2010, as well as punitive damages," Jones told me over the past weekend. Now, he says, BP is complaining about the oil-spill claims administrator and the court agreeing with BP's own description of how the settlement was supposed to be applied to business claims.

BP generates almost \$400 billion a year. Under the settlement the company is projected to pay about three months of earnings to compensate the families and businesses for the Gulf disaster. "It's ironic that BP talks about people getting something for nothing when that's exactly what BP is trying to do," Jones says. BP, he says, waited until after the three-year anniversary of the spill, after the class was locked in, and after the criminal charges were resolved, "before setting off on this anti-settlement, anti-class member, anti-claims administrator, anti-small business, anti-lawyer and anti-Gulf Coast campaign. It's the old "bait and switch," and it won't work."

Jones serves on the Plaintiffs' Steering Committee for the Deepwater Horizon class plaintiffs. He is class counsel for plaintiffs in the private economic and property class settlement against BP. He and his firm represent Gov. Bentley regarding the economic losses for the state of Alabama from the oil spill, and he will be lead trial counsel for the state for all natural resource losses. Jones also has worked with Attorney General Luther Strange, who represents Alabama in the ongoing trial in New Orleans to determine the fault of BP and other defendants.

### What about "Stand Your Ground" in Alabama?

In 2006 the Alabama Legislature expanded citizens' ability to use lethal force to defend themselves from perceived threats. Previously, Alabama law provided that, outside their homes and workplaces, people weren't justified in using deadly force if they could avoid it.

The new law that year provided that people no longer had a duty to retreat and had "the right to stand their ground." The law also provides a list of do's and don'ts, including explicitly stating that a person can't be the initial aggressor and then claim self-defense.

Alabama's law, like Florida's, states that people are immune from criminal and civil action if their use of force is justified under the law. Florida approved its law in 2005. Alabama followed in 2006, with lawmakers approving the legislation on an overwhelming vote. The House of

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Representatives voted 82-9 for the bill and the Alabama Senate voted 30-2.

Twenty states have "stand your ground" laws, containing provisions that generally allow the use of deadly force in self-defense with no duty to retreat when outside the home.

Dallas County District Attorney Michael Jackson was quoted last week as saying that the concern is that people will stretch the meaning of self-defense, which could result in an incident such as the case in Florida.

"The problem with this statute is that there will be cases brought which are clearly are not a self-defense matter," Jackson said.

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