

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

June 18, 2010

Honorable John Conyers
Chairman, House Judiciary Committee
United States Congress
Via: e-mail

Honorable Lamar Smith
Ranking Member, House Judiciary Committee
United States Congress
Via: e-mail

Re: HR 5503

Dear Chairman Conyers and Ranking Member Smith:

Please accept this letter as my express support of HR 5503. I especially support sections four and five of H.R. 5503, the repeal of the Limitation on Liability Act and the amendment to the Class Action Fairness Act (CAFA), respectively.

I have enclosed a copy of a 2005 letter signed by 47 state Attorneys General supporting an amendment that failed in the United States Senate, which would have excepted from CAFA actions brought by states. The Congressional Record showed that numerous senators addressing our letter and the amendment filed pursuant thereto, stated that CAFA did not apply to the actions brought by the state Attorneys General. Nevertheless, after Hurricane Katrina the Fifth Circuit Court of Appeals held that *parens patriae* claims filed by state Attorneys General were nothing more than mass tort actions subject to removal from state court to federal court under CAFA. ***Caldwell v. Allstate Ins. Co.***, 536 F.3rd 418 (5th Cir. 2008).

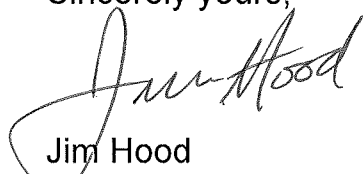
CAFA has been abused by corporate wrongdoers to improperly delay and remove cases filed by state Attorneys General in violation of the Eleventh Amendment to the United States Constitution, which provides that actions against the states should be decided in state courts. These violations of states' rights cannot stand.

British Petroleum and Transocean revealed their legal strategy of attempting to remove all claims, including the state and federal government claims, to federal district court in Houston, Texas. Just last Thursday, British Petroleum refused my request that they not seek to improperly remove any state law claim filed in state court to federal court. British Petroleum has filed a motion to consolidate all claims before a federal district court judge in Houston, Texas. Pursuant to the enclosed letter to the five Coastal States Attorneys General from Transocean, Transocean is refusing to release claims filed by states from the Limitation of Liability action it filed in Houston, Texas.

States deserve to have their claims litigated in their courts. Federal law should respect the separate sovereign authority of the states. If claims made by the state are litigated in state courts, prompt resolution is expected for claimants. However, if British Petroleum and Transocean are allowed to drag legitimate state claims into federal court justice for victims could be decades away as seen in the lengthy Exxon Valdez litigation.

Thank you for your consideration of this very important matter. Please contact me if you have questions or comments.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood". The signature is written in black ink and is positioned above the printed name.

Jim Hood
Mississippi Attorney General

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