

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

OCEANIC EXPLORATION COMPANY et al.,

Plaintiffs,

v.

CONOCOPHILLIPS, INC. et al.,

Defendants.

Civil Action No. 4:07-cv-00815

**PLAINTIFFS' NOTICE OF  
SUPPLEMENTAL AUTHORITY**

Plaintiffs Oceanic Exploration Company and Petrotimor Companhia de Petroleos, S.A.R.L. (collectively "Oceanic") respectfully call to the Court's attention last week's decision of the Supreme Court in *William Enrickson v. Barry J. Pardus et. al.*, 551 U.S. \_\_\_\_ (2007) (copy submitted herewith), holding that Federal Rule of Civil Procedure 8(a)(2) requires "only a short and plain statement of the claim showing that the pleader is entitled to relief" that "give[s] the defendant fair notice of what the . . . claim is and the grounds upon which it rests." Slip. Op. at 5 (*citing Bell Atlantic Corp. v. Twombly*, 550 U.S. \_\_\_\_ (June 4, 2007) (slip op., at 7-8) (*quoting Conley v. Gibson*, 355 U.S. 41, 47 (1957))). ConocoPhillips recently called this Court's attention to the Supreme Court's decision in *Bell Atlantic* to support its position that Oceanic's Second Amended Complaint fails to state a claim.<sup>1</sup> Oceanic respectfully offers for the Court's consideration the *Enrickson* decision as an example of how the Supreme Court applies Rule 8, after the issuance of *Bell Atlantic*, in cases that do not involve a claim for unfair restraint of trade under Section 1 of the Sherman Act.

---

<sup>1</sup> S.D. Tex. Dkt. No. 163 at 1.

Respectfully Submitted,

DIAMOND MCCARTHY LLP

By: /s/ James D. McCarthy (By Permission)

By: /s/ Julie N. Searle

Allan B. Diamond

Texas State Bar No. 05801800

Southern District No. 12310

Julie N. Searle (ECF Attorney)

Texas Bar No. 24037162

Southern District No. 37110

Two Houston Center

909 Fannin Street, Suite 1500

Houston, Texas 77010

Phone: (713) 333-5100

Fax: (713) 333-5199

James D. McCarthy

Texas State Bar No. 13367700

Southern District No. 14770

J. Gregory Taylor

Texas State Bar No. 19706100

Southern District No. 12626

1201 Elm Street, Suite 3400

Dallas, Texas 75270

Phone: 214/389-5307

Fax: 214/389-5399

LOCAL COUNSEL FOR OCEANIC  
EXPLORATION COMPANY AND  
PETROTIMOR COMPANHIA de  
PETROLEOS, S.A.R.I.

John B. Quinn (admitted *pro hac vice*)  
Richard Schirtzer (admitted *pro hac vice*)  
James J. Webster (admitted *pro hac vice*)  
Jon D. Corey (admitted *pro hac vice*)  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES LLP  
865 South Figueroa Street, 10th Floor  
Los Angeles, California 90017  
Phone: (213) 624-7707  
Fax (213) 624-0643

ATTORNEYS FOR PLAINTIFFS OCEANIC  
EXPLORATION COMPANY AND PETROTIMOR  
COMPANHIA DE PETROLEOS, S.A.R.I.

## CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served upon the following list via electronic court filing or deposited in the United States Mail, first class delivery, on June 14, 2007.

By /s/ Julie N. Searle.

By /s/ Jon D. Corey.

Martin D. Beirne  
David A. Pluchinsky  
Darin Brooks  
Beirne, Maynard & Parsons, LLP  
1300 Post Oak Boulevard  
Suite 2500  
Houston, Texas 77056

mbeirne@bmpllp.com  
dpluchinsky@bmpllp.com  
dbrooks@bmpllp.com

Herbert M. Wachtell  
John F. Lynch  
Wachtell, Lipton, Rosen & Katz  
51 West 52nd Street  
New York, New York 10019  
New York NY 10019

hmwachtell@wlrk.com  
jlynch@wlrk.com

Finis E. Cowan, Jr.  
Collin J. Cox,  
YETTER & WARDEN, LLP  
Two Houston Center  
909 Fannin, Suite 3600  
Houston, Texas 77010

finiscowan@yetterwarden.com  
ccox@yetterwarden.com

Ronald D. Krist  
THE KRIST LAW FIRM, P.C.  
One Corporate Plaza  
2525 Bay Area Blvd., Suite 410  
Houston, Texas 77058

<http://www.kristlaw.com>