

SUPREME COURT OF LOUISIANA

No. 96-C-2913

c/w

No. 96-C-2917

c/w

No. 96-C-2929

KENNETH E. FORD, ET AL.

versus

MURPHY OIL USA, ET AL.

ON WRITS OF CERTIORARI
FOURTH CIRCUIT COURT OF APPEAL

CALOGERO, Chief Justice, concurring.

I agree with the majority that the action before us is ill-suited for certification as a class action. I write separately to emphasize that this Court's decision in *McCastle v. Rollins Environmental Services of Louisiana*, 456 So. 2d 612 (La. 1984), is still good law. As recognized by the majority, a mass tort case may well be appropriate for certification as a class action if it arises from a common cause or disaster, as was the case in *McCastle*, which involved plaintiffs' complaints about discrete environmental emissions from a single defendant in a single geographical area under traditional tort theories. In the case before us, we do nothing more than decline to extend *McCastle* to the unique facts before us.

For the reasons given above, I respectfully concur.