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## ***BP Faces a Second Suit by Stations***

**By Ciaran McEvoy**

LOS ANGELES - Days after a similar complaint was filed in San Francisco federal court, BP faces new accusations by approximately 100 of its West Coast gas station owners of forcing them to buy payment system software the oil giant knew was faulty.

The lawsuit, filed Wednesday in Los Angeles County Superior Court, seeks at least \$200 million in damages on behalf of the franchisees, who claim the Retalix software system frequently crashed and overcharged or undercharged customers.

The plaintiffs, owners of BP and ARCO gas stations, many of which also contain ampm mini-marts, allege they were each forced to spend as much as \$35,000 for the point-of-sale and inventory control software program.

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**- Brian S. Kabateck**

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BP knew through testing about the error-prone software, which has still not been replaced and has cost the station owners hundreds of thousands of dollars in lost business, the lawsuit claims.

"This Retalix system is killing these guys," said Brian S. Kabateck of Kabateck Brown Kellner LLP, who is representing the plaintiffs. "They make very little money to begin with."

Representatives from BP were not immediately available for comment. The plaintiffs claim BP violated antitrust laws by forcing them to purchase food and drinks from a designated third-party vendor when, if allowed, they would have bought the same items for cheaper prices elsewhere. The lawsuit also alleges BP broke its vendor agreements with station owners and only allowed them to use BP-approved vendors.

Plaintiffs allege breach of contract, fraud, antitrust law violations, breach of fiduciary duties and negligence against BP West Coast Products LLC, Paypoint Electronic Systems Inc. and Retalix Ltd.

Wednesday's lawsuit shares some claims with the federal class action filed last week in the Northern District that alleged BP manipulated its franchisees' gasoline supply and pricing. Kabateck described Wednesday's complaint, which doesn't deal with alleged gasoline price fixing, as a "mass action" brought on behalf of the 100 or so individual plaintiffs, rather than a class.

BP has faced a flurry of bad press and litigation nationwide since the Deepwater Horizon oil rig explosion in the Gulf of Mexico last year. The explosion caused the worst oil spill in U.S. history.

In addition to Kabateck Brown Kellner LLP, the law firms of Geragos & Geragos APC, Guralnick & Gilliland and the Law Offices of Paul M. Stoddard are representing the plaintiffs.

Superior Court Judge Ernest M. Hiroshige has been assigned to the case. *Hogan v. BP West Coast Products LLC*, BC460880 (L.A. Super. Ct., filed May 4, 2011)