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13 Liaison Counsel for Plaintiffs

Honorable H. Russel Holland

14 IN THE UNITED STATES DISTRICT COURT

15 FOR THE DISTRICT OF ALASKA

16 In re: )  
17 ) Case No. 3:89-cv-095 (HRH)  
18 The EXXON VALDEZ )  
19 ) (Consolidated)  
20 )

21 THIS DOCUMENT RELATES TO )  
22 ALL CASES )  
23 )  
24 )  
25 )

DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF LEAD  
COUNSEL'S FIFTEENTH PUNITIVE DAMAGES APPLICATION FOR AN ORDER  
DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO  
CLAIMANTS IN THE UNOILED FISHERIES (U00B) CLAIM CATEGORY  
AND THEIR ATTORNEYS

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1. I am the Court-appointed Claims Administrator of the Exxon Qualified Settlement Fund (hereinafter "EQSF") and the Alyeska Qualified Settlement Fund (hereinafter "AQSF"). I make this declaration based on personal knowledge and am competent to testify to the matters set forth herein.

2. The current application to distribute punitive damages covers the initial payments from the EQSF to claimants in the Unoiiled Fisheries<sup>1</sup> (U00B) claim category. In consultation with Lead Counsel and the Plaintiffs' Allocation Committee, it was determined that this initial distribution of payments to claimants in the Unoiiled Fisheries claim category should be made to those claims that are unencumbered as they are able to be paid the fastest. Those Unoiiled Fisheries claims that are encumbered will be included in future applications.

3. This distribution application only covers Unoiiled Fisheries claimants' share of the Combined Compensatory Damages<sup>2</sup> payments, Punitive Damages Principal and Punitive Damages Interest. This distribution application excludes any share to which they may be entitled of the approximately \$120 million remainder (composed primarily of the \$72 million received from Exxon when it decided not to pursue Supreme Court

<sup>1</sup> Disputes over claims in the Unoiiled Fisheries, which have been determined by the EQSF, the Plaintiffs' Allocation Committee, and Special Master Amodio, have recently been finally resolved with the Court's Bellanich decision, at Clerk's Docket No. 9602 (8/09/10).

<sup>2</sup> These include the Unoiiled Fisheries share of various compensatory damages recoveries from Exxon from between 1997 and 2002.

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review of the costs issue, and the approximately \$50 million which had been set aside for processor claims).

4. The approximately \$120 million that remains to be distributed to all claim categories, which are the monies that will be the "Final Distribution", will be the subject of future applications. This application merely distributes to the unencumbered Unoiled Fisheries claimants their share of the monies that have been the subject of the prior distribution applications.

5. Reviewing the analyses conducted during the filings related to the first<sup>3</sup> and eighth<sup>4</sup> Punitive Damages Applications, I have determined that the Unoiled Fisheries' gross share of signatories' allocated recoveries to date are as follows:

- \$2,321,157.60 from the Combined Compensatory Damages
- \$11,652,612.03 from the Punitive Damages Principal
- \$9,456,375.58 from the Punitive Damages Interest

6. Exhibit A to this declaration sets out the gross amounts of Combined Compensatory Damages payments going to Unoiled Fisheries claimants. There are 5728 claims being paid, the total amount of which is \$1,838,717.24.

<sup>3</sup> See Paragraphs 10-14, of my Declaration filed on October 29, 2008, at Clerk's Docket No. 8885.

<sup>4</sup> See Paragraphs 5-7 of my Declaration filed on September 4, 2009, at Clerk's Docket No. 9300.

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7. Exhibit B to this declaration sets out the gross amounts of Punitive Damages Principal going to Unhoiled Fisheries claimants. There are 5728 claims being paid, the total amount of which is \$8,962,081.52.

8. Exhibit C to this declaration sets out the gross amounts of Punitive Damages Interest going to Unhoiled Fisheries claimants. There are 5728 claims being paid, the total amount of which is \$7,249,974.33.

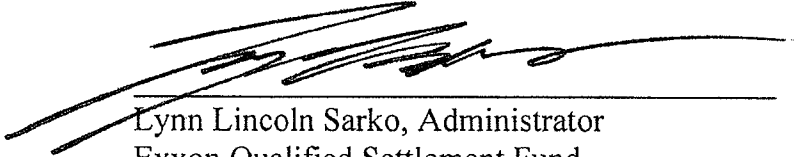
9. The dollar figures provided in Exhibits A through C are gross dollar allocations on claims prior to any deductions for attorneys' fees or costs. A total of 17,184 claims are being paid. The amount of gross payments under this Fifteenth Distribution Application is \$18,050,773.09.

10. If the Court approves the current request, I will begin authorizing payments to be issued on behalf of or to the listed claimants as soon as possible after entry of the Court's order approving the distribution application.

11. I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

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1 DATED this 7<sup>th</sup> day of September, 2010 at Seattle, Washington.

2 

3 Lynn Lincoln Sarko, Administrator  
4 Exxon Qualified Settlement Fund  
5 Alyeska Qualified Settlement Fund  
6 Post Office Box 21945  
7 Seattle, Washington 98111  
8 (206) 623-1900

9 Certificate of Service

10 The undersigned certifies that on September 7<sup>th</sup> 2010, a true and correct copy of the foregoing  
11 DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF 15<sup>th</sup> PUNITIVE DAMAGES  
12 APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS  
13 TO CLAIMANTS IN THE UNOILED FISH CLAIM CATEGORY AND THEIR ATTORNEYS  
14 was served on the following attorneys or parties of record by the court's ECF system:

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18 Lloyd B. Miller  
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22 By: s/ David W. Oesting

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