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David W. Oesting
DAVIS WRIGHT TREMAINE LLP
701 West 8th Avenue, Suite 800
Anchorage, AK 99501
(907) 257-5300

Lead Counsel for Plaintiffs

Lloyd B. Miller
SONOSKY, CHAMBERS, SACHSE,
MILLER & MUNSON
900 West 5th Avenue, Suite 700
Anchorage, AK 99501
(907) 258-6377

Liaison Counsel for Plaintiffs

Honorable H. Russel Holland

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | | |
|--------------------------|---|----------------------------|
| In re: |) | |
| |) | Case No. 3:89-cv-00095-HRH |
| The EXXON VALDEZ |) | (Consolidated) |
| _____ |) | |
| THIS DOCUMENT RELATES TO |) | |
| ALL CASES |) | |
| _____ |) | |

LEAD COUNSEL'S SIXTH APPLICATION FOR AN ORDER DISTRIBUTING
EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO
CLAIMANTS IN MULTIPLE CLAIM CATEGORIES AND THEIR ATTORNEYS

1 This is the sixth of several applications for authority to distribute portions of the
2 \$383,349,750.00 plaintiffs received from Exxon in August 2008, as a partial payment on
3 the punitive damages judgment entered by the United States Supreme Court. Because
4 some of the claimants in these small fishery categories have not yet received their portion
5 of compensatory damages, the application covers the distribution of compensatory
6 damages to them as well. See, Declaration of Lynn Lincoln Sarko in Support of Lead
7 Counsel's Sixth Punitive Damages Distribution Application Distributing Funds to
8 Multiple Claim Categories.
9
10

11 Exhibit A is a report showing gross dollar allocations of compensatory damages in
12 the Cook Inlet Miscellaneous Finfish (M01H), Cook Inlet Pot Shrimp (P09H), Kodiak
13 Miscellaneous Finfish (M01K), Prince William Sound Dungeness Crab (D09E), Prince
14 William Sound King Crab (K09E), Prince William Sound Miscellaneous Finfish (M01E),
15 Prince William Sound Miscellaneous Shellfish (R12E), Prince William Sound Sablefish
16 (C06E), Prince William Sound Pot Shrimp (P09E) and Prince William Sound Shrimp
17 Trawl (P07E) claim categories, none of which has yet received a distribution of
18 compensatory damages from the EQSF.
19
20

21 Exhibit B is a report showing gross dollar allocations of compensatory damages to
22 claimants who have damaged gear claims. Damaged gear claims were calculated on a
23 *pro rata* basis, proportional to the ratio of loss to the total relevant matrix damages, as set
24 forth in the plans of distribution. As further noted in those plans, damaged gear claims
25

1 are only awarded “up to the amount of loss,” but there is no guarantee that there will be
2 sufficient recoveries to pay all damaged gear claims the total amount of the loss.
3

4 Exhibit C is a report showing gross dollar allocations from the \$383,349,750
5 punitive damages distribution to claimants in the following claim categories: Cook Inlet
6 Dungeness Crab (D09H), Cook Inlet Miscellaneous Finfish (M01H), Cook Inlet Pot
7 Shrimp (P09H), Cook Inlet Tanner Crab (T09H), Kodiak Dungeness Crab (D09K),
8 Kodiak Miscellaneous Finfish (M01K), Kodiak Miscellaneous Shellfish (O01K), Kodiak
9 Scallop (W12K), Prince William Sound Dungeness Crab (D09E), Prince William Sound
10 King Crab (K09E), Prince William Sound Miscellaneous Finfish (M01E), Prince William
11 Sound Miscellaneous Shellfish (R12E), Prince William Sound Pot Shrimp (P09E) and
12 Prince William Sound Tanner Crab (T09E).¹
13
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15 Exhibit D is a report showing gross dollar amounts of punitive damages to
16 claimants who have damaged gear claims. As with damaged gear claims for
17 compensatory damages, punitive damages claims were also calculated on a pro rata basis.
18

19 In calculating the shares of punitive damages principal in Exhibit C and D, the
20 EQSF Administrator has used the same analysis as was discussed in paragraphs 4 – 14 of
21 his October 29, 2008 declaration.
22
23

24 _____
25 ¹ Because of prior payments that must be accounted for, no punitive damages principal payments are envisioned to be made to claimants in the Prince William Sound Sablefish (C06E) and Prince William Sound Shrimp Trawl (P07E) claim categories.

1 This submission does not cover any of the remaining claim categories, which will
2 be covered in future applications. Lead counsel does expect to present an application to
3 the court for distribution of a substantial portion of the money recently received from
4 Exxon as a partial payment on interest within the next two weeks.
5

6 Respectfully submitted this 21st day of July, 2009.
7

8 /s/ David W. Oesting
9 DAVIS WRIGHT TREMAINE LLP
10 701 West 8th Avenue, Suite 800
11 Anchorage, AK 99501
12 Telephone: (907) 257-5300
13 Facsimile: (907) 257-5399
14 ABA No. 8106041
15 E-mail: daveoesting@dwt.com

16 Certificate of Service

17 The undersigned certifies that on July 21, 2009, a true and
18 correct copy of the foregoing LEAD COUNSEL'S SIXTH
19 APPLICATION FOR AN ORDER DISTRIBUTING EXXON
20 QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO
21 CLAIMANTS IN MULTIPLE CLAIM CATEGORIES AND
22 THEIR ATTORNEYS was served on the following attorneys or
23 parties of record by the court's ECF system:
24

25 Douglas J. Serdahely Lloyd B. Miller
PATTON BOGGS LLP SONOSKY, CHAMBERS, SACHSE,
E-mail: dserdahely@pattonboggs.com MILLER & MUNSON
E-mail: lloyd@sonosky.net

By: /s/ David W. Oesting

Davis Wright Tremaine LLP
LAW OFFICES
Suite 800 · 701 West 8th Avenue
Anchorage, Alaska 99501
(907) 257-5300 · Fax: (907) 257-5399