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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 The EXXON VALDEZ) Case No. 3:89-cv-095 (HRH)
18 _____) (Consolidated)

19 THIS DOCUMENT RELATES TO)
20 ALL CASES)
21 _____)

22 **DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF LEAD**
23 **COUNSEL'S SIXTH PUNITIVE DAMAGES DISTRIBUTION APPLICATION**
24 **DISTRIBUTING FUNDS TO MULTIPLE CLAIM CATEGORIES**
25

1 1. I am the Court-appointed Claims Administrator of the Exxon Qualified Settlement
2 Fund (hereinafter "EQSF"). I make this declaration based on personal knowledge and am
3 competent to testify to the matters set forth herein.
4

5 2. This application is pursuant to paragraph 3(b) of my June 19, 2009, declaration in
6 support of the fifth application for distribution of punitive damages. Namely, this Sixth
7 Application is for permission to pay: (a) Compensatory Damages to a number of "smaller
8 remaining claim categories" that have yet to receive their Compensatory Damages; and
9 (b) Punitive Damages Principal to a number of smaller claim categories that have yet to
10 receive their share of the \$383,349,750 plaintiffs received from Exxon in August 2008.
11 Because of prior payments that must be accounted for, at this time no Punitive Damages
12 Principal payments are scheduled for claimants in the Prince William Sound Sablefish
13 Principal payments are scheduled for claimants in the Prince William Sound Sablefish
14 (C06E) and Prince William Sound Shrimp Trawl (P07E) claim categories.
15

16 3. Attached as Exhibit A to Lead Counsel's Application is the report showing gross
17 dollar allocations of Compensatory Damages in the Cook Inlet Miscellaneous Finfish
18 (M01H), Cook Inlet Pot Shrimp (P09H), Kodiak Miscellaneous Finfish (M01K), Prince
19 William Sound Dungeness Crab (D09E), Prince William Sound King Crab (K09E),
20 Prince William Sound Miscellaneous Finfish (M01E), Prince William Sound
21 Miscellaneous Shellfish (R12E), Prince William Sound Sablefish (C06E) Prince William
22 Sound Pot Shrimp (P09E) and Prince William Sound Shrimp Trawl (P07E) claim
23 categories, none of which has previously received a distribution of Compensatory
24 Damages from the EQSF.
25

DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF LEAD COUNSEL'S SIXTH PUNITIVE DAMAGES
DISTRIBUTION APPLICATION DISTRIBUTING FUNDS TO MULTIPLE CLAIM CATEGORIES- 2

In re the Exxon Valdez, Case No. 3:89-cv-095-HRH

1 4. Attached as Exhibit B to Lead Counsel's Application is the report showing gross
2 dollar allocations of Compensatory Damages to claimants who have approved damaged
3 gear claims. Damaged gear claims were calculated on a *pro rata* basis, proportional to
4 the ratio of loss to the total relevant matrix damages, as set forth in the plans of
5 distribution. As further noted in those plans, damaged gear claims are only awarded "up
6 to the amount of loss," but there is no guarantee that there will be sufficient recoveries to
7 pay all damaged gear claims the total amount of the loss.
8

9 5. Attached as Exhibit C to Lead Counsel's Application is the report showing gross
10 dollar allocations from the \$383,349,750 Punitive Damages Principal distribution to
11 claimants in the following claim categories: Cook Inlet Dungeness Crab (D09H), Cook
12 Inlet Miscellaneous Finfish (M01H), Cook Inlet Pot Shrimp (P09H), Cook Inlet Tanner
13 Crab (T09H), Kodiak Dungeness Crab (D09K), Kodiak Miscellaneous Finfish (M01K),
14 Kodiak Miscellaneous Shellfish (O01K), Kodiak Scallop (W12K), Prince William Sound
15 Dungeness Crab (D09E), Prince William Sound King Crab (K09E), Prince William
16 Sound Miscellaneous Finfish (M01E), Prince William Sound Miscellaneous Shellfish
17 (R12E), Prince William Sound Pot Shrimp (P09E) and Prince William Sound Tanner
18 Crab (T09E) claim categories.
19

20 6. Attached as Exhibit D to Lead Counsel's Application is the report showing gross
21 dollar amounts of Punitive Damages Principal to claimants who have approved damaged
22 gear claims. These damaged gear claims were also processed as per paragraph 4, *supra*.
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1 7. In calculating the shares of Punitive Damages Principal in Exhibit C and D, I
2 performed the same analysis as was discussed in paragraphs 4 – 14 of my October 29,
3 2008 declaration.

4 8. The gross dollar amounts included in Exhibits A and B is \$378,242.07 for all ten
5 claim categories.
6

7 9. The gross dollar amounts included in Exhibits C and D is \$4,688,854.95 for all
8 fourteen claim categories.

9 10. The dollar figures provided in Exhibits A through D are gross dollar allocations to
10 claimants prior to any deductions for attorneys' fees or costs.
11

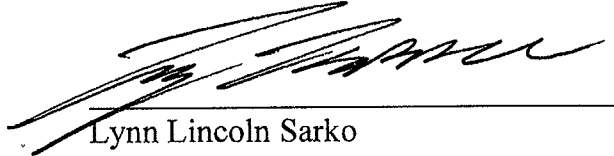
12 11. The dollar figures provided in Exhibits A through D may not be paid directly to
13 the claimant; however, they may be paid in whole or part to a lien, levy, assignment, or
14 other judgment holder.

15 12. If the court approves the current request, I will begin authorizing payments to be
16 issued to each of the listed claimants as soon as possible after entry of this Court's order
17 approving the distribution application. Claimants with no lien or encumbrance issues
18 will be paid first, within two to three weeks of the court's approval order. Payments on
19 claims with liens or encumbrances will take longer.
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1 I certify under penalty of perjury of the laws of the State of Washington that the
2 foregoing is true and correct.

3 DATED this 21st day of July 2009 at Seattle, Washington.
4

5
6 

Lynn Lincoln Sarko
Administrator
Exxon Qualified Settlement Fund
Post Office Box 21945
Seattle, Washington 98111
(206) 623-1900

11
12 Certificate of Service

13 The undersigned certifies that on July 21, 2009, a true
14 and correct copy of the foregoing DECLARATION OF LYNN LINCOLN SARKO was served
on the following attorneys or parties of record by the court's ECF system:

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18 By: s/ Matthew D. Jamin

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