

1 supersedes and supplants entirely Lead Counsel’s Eighth Application for An Order
2 Distributing Exxon Qualified Settlement Punitive Damage Funds to Multiple Claim
3 Categories and Their Attorneys¹ filed August 20, 2009. This is another of several
4 applications for authority to distribute portions of the money plaintiffs received from
5 Exxon as partial payments on the punitive damages judgment entered by the United
6 States Supreme Court and, specifically, the first application to distribute a portion of the
7 \$470,268,908.71 received on July 1, 2009, along with a portion of the \$383,349,750
8 received in August, 2008.
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11 Since the original Eighth Application, Exxon filed an Objection to the application
12 and a separate motion demanding that monies be set aside for four processors in whose
13 claims Exxon holds an interest. Rather than delay this very important distribution, we
14 proposed in the Supplement to the Seventh Application to set aside \$5,681,056.39 from
15 this distribution for this contingency. We understand that Exxon will, as a result,
16 withdraw any objection to this Amended Eighth Application.
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19 The starting point for this application is determining how much of the
20 \$470,268,908.71 recently received is available for distribution to claimants covered by
21 the Plan of Allocation. As Mr. Sarko has explained in his declaration in support of the
22 contemporaneously filed Supplement to the Seventh Application, using the methodology
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25 ¹ Clerk’s Docket No. 9271.

1 that the Court approved in the first application to distribute punitive damages, and after
2 the set asides requested in the Seventh Application, \$401,425,004.41 is available now for
3 distribution to all 51 claim categories. See Declaration of Lynn Lincoln Sarko in Support
4 of Lead Counsel's Supplement to the Seventh Application Pertaining to the Distribution
5 of Punitive Damages and to the Establishment of Reserves in the Processor and Cannery
6 Worker Claim Categories and to Deal With the Contingency of Payment to Exxon.
7

8 This application proposes to distribute \$294,488,665.82 of that \$401,425,004.41 to
9 17,297 claims in 47 claim categories, primarily those who have no encumbrance issues or
10 minimal encumbrance issues with their claims. It also proposes to distribute \$771,428.79
11 of the \$383,349,750 received in 2008 to claimants that now have encumbrances removed
12 from their claims.
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14 Attached as Exhibit A to this Amended Application is the report showing gross
15 dollar allocations from the \$470,268,908.71 to 17,297 claims filed in the 47 claim
16 categories we are proposing should receive payment through this application.
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18 Attached as Exhibit B to this Amended Application is the report showing gross
19 dollar allocations of Punitive Damage Interest to claimants who have approved damaged
20 gear claims. As with previous distributions on damaged gear claims, they were
21 calculated on a *pro rata* basis, proportional to the ratio of loss to the total relevant matrix
22 damages, as set forth in the Plans of Distribution. As further noted in those plans,
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25 LEAD COUNSEL'S AMENDED EIGHTH APPLICATION FOR AN ORDER DISTRIBUTING
EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE CLAIM
CATEGORIES AND THEIR ATTORNEYS - 3

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

1 damaged gear claims are only awarded “up to the amount of loss,” but there is no
2 guarantee that there will be sufficient recoveries to pay all damaged gear claims the total
3 amount of the loss.
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5 Attached as Exhibit C to this Amended Application is the report showing gross
6 dollar allocations for claimants who will receive payments from both the original
7 \$383,349,750 recovery and the \$470,268,908.71 recovery. These claimants have
8 resolved a prior encumbrance that prevented their inclusion in one of the first six Punitive
9 Damages Principal distribution applications. The gross dollar allocations listed in Exhibit
10 C are itemized for each claimant, claim category and distribution to differentiate the
11 amount of Principal and Interest the particular claimant is eligible to receive.
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13
14 A proposed order is attached authorizing the proposed distributions discussed in
15 this application.

16 Respectfully submitted this 4th day of September 2009.
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LEAD COUNSEL'S AMENDED EIGHTH APPLICATION FOR AN ORDER DISTRIBUTING
EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE CLAIM
CATEGORIES AND THEIR ATTORNEYS - 4

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

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Certificate of Service

The undersigned certifies that on September 4, 2009, a true and correct copy of the foregoing
LEAD COUNSEL'S AMENDED EIGHTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON
QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE CLAIM
CATEGORIES AND THEIR ATTORNEYS was served on the following attorneys or
parties of record by the court's ECF system:

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LEAD COUNSEL'S AMENDED EIGHTH APPLICATION FOR AN ORDER DISTRIBUTING
EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE CLAIM
CATEGORIES AND THEIR ATTORNEYS - 5

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