

1 David W. Oesting
2 DAVIS WRIGHT TREMAINE LLP
3 701 West 8th Avenue, Suite 800
4 Anchorage, AK 99501
5 (907) 257-5300

6 Lead Counsel for Plaintiffs

7 Lloyd B. Miller
8 SONOSKY, CHAMBERS, SACHSE,
9 MILLER & MUNSON
10 900 West 5th Avenue, Suite 700
11 Anchorage, AK 99501
12 (907) 258-6377

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 THIRD APPLICATION FOR AN ORDER AUTHORIZING THE**
24 **DISTRIBUTION OF FUNDS FROM THE EXXON QUALIFIED SETTLEMENT**
25 **FUND TO NATV, F00E, S01E, S03E, S04E, S01H, S03H, S04H, S01K, S02K, S04K,**
S01L, AQUA, G01E, G01H, G01K, G34E, G34K, H01E, H01K, L12E, L21E, RPRO
AND NATC CLAIMANTS AND THEIR ATTORNEYS

1 I am the Court-appointed Claims Administrator of both the Exxon Qualified
2 Settlement Fund (hereinafter "EQSF") and the Alyeska Qualified Settlement Fund
3 (hereinafter "AQSF"). I make this declaration based on personal knowledge and am
4 competent to testify to the matters set forth herein.
5

6 2. The current application (All Plaintiffs' Lead Counsel's Third Application) to
7 distribute punitive damages covers claimants in two broad categories: (1) claimants with
8 multiple liens in the same thirteen categories¹ where claimants have now or are being
9 paid who had no liens² or a single lien³, and are discussed in paragraph 3 and 4 below;
10 and (2) claimants in twelve of the remaining categories with no liens, levies, assignments
11 or further impairment on their claims. These claims are discussed in paragraphs 5 and 6
12 below, and include claimants in the following claim categories: Aquaculture
13 Associations (AQUA), Prince William Sound Herring Seine (G01E), Cook Inlet Herring
14 Seine (G01H), Kodiak Herring Seine (G01K), Prince William Sound Roe Herring Drift
15 (G34E), Kodiak Herring Gill Net (G34K), Prince William Sound Food & Bait Herring
16 (H01E), Kodiak Food & Bait Herring (H01K), Prince William Sound Roe Pound (L12E),
17
18

19 _____
20 ¹ Native (NATV), Native Opt Out Settlement Class (NOOS), the Prince William Sound 1989
21 Fund (F00E), Prince William Sound Salmon Seine (S01E), Prince William Sound Salmon Drift
22 (S03E), Prince William Sound Salmon Set Net (S04E), Cook Inlet Salmon Seine (S01H), Cook
23 Inlet Salmon Drift (S03H), Cook Inlet Salmon Set Net (S04H), Kodiak Salmon Seine (S01K),
Kodiak Salmon Beach Seine (S02K), Kodiak Salmon Set Net (S04K) and Chignik Salmon Seine
(S01L)

24 ² These claims were approved for payment on November 24, 2008. Clerk's Docket No. 8920-2.

25 ³ These claims were approved for payment on February 12, 2009. Clerk's Docket No. 8975.

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

1 Prince William Sound Wild Kelp Harvest (L21E), Real Property (RPRO), and Native
2 Corporation (NATC).

3 3. My goal for the thirteen claim categories, which were the subject of the original
4 application to distribute punitive damages, was to distribute as much money as practical
5 to claimants in those categories. All Plaintiffs' Lead Counsel and the Exxon Qualified
6 Settlement Fund Administrator began proposing distributions of punitive damages
7 collected from Exxon with an application filed on October 31, 2008 to distribute to about
8 12,000 claimants who were not subject to filed liens. Then, in January, 2009, All
9 Plaintiffs' Lead Counsel and the Exxon Qualified Settlement Fund Administrator brought
10 a second application seeking permission from this Court to distribute to about 5,000
11 claimants with single liens, some of which might have required payment of the entire
12 claim to the lien holder (e.g., IRS), and some of which required a payment to the lien
13 holder of part of the claim, and the balance to the claimant. For these original thirteen
14 claim categories⁴, this application asks for permission to pay approximately 1,628
15 claimants with multiple liens who are otherwise identified (with a good address for those
16 who are alive, and for those whose are deceased, proper probate paperwork). This will
17 leave approximately 1,043 claimants in these thirteen claim categories for whom we
18
19
20
21
22

23 ⁴ For one of the 13 claim categories, which were the subject of the first application, the Native
24 Opt Out Settlement Class (NOOS) claim category, there are no claimants that have multiple lien
25 issues at this time.

1 either (1) do not have an accurate current address, (2) for whom probate paperwork is not
2 finalized, or (3) for whom additional work is necessary to resolve the scope and priority
3 of the multiple impairments to their claims. We will defer application to a later date for
4 this group until we have made additional efforts to identify proper payees and amounts in
5 these categories.
6

7 4. Of the approximately 1,628 claims in the original thirteen claim categories
8 covered by this application, distributions to or on behalf of the claimants will be made as
9 set out in Exhibit A to this declaration; the total amount that will be distributed if the
10 court approves this distribution is \$21,393,387.42.
11

12 a. for approximately 395 claims in the Native (NATV) category,
13 approximately \$1,972,937.03;

14 b. for approximately 107 claims in the Chignik Salmon Seine (S01L)
15 category, approximately \$2,785,813.34;

16 c. for approximately 215 claims in the Prince William Sound 1989 Fund
17 (F00E) category, approximately \$1,592,006.88;

18 d. for approximately 157 claims in the Prince William Sound Salmon Seine
19 (S01E) category, approximately \$3,578,779.05;

20 e. for approximately 91 claims in the Prince William Sound Salmon Drift
21 (S03E) category, approximately \$1,907,198.08;
22
23
24
25

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

1 f. for approximately 8 claims in the Prince William Sound Salmon Set Net
2 (S04E) category, approximately \$53,916.48;

3 g. for approximately 35 claims in the Cook Inlet Salmon Seine (S01H)
4 category, approximately \$912,022.97;

5 h. for approximately 143 claims in the Cook Inlet Salmon Drift (S03H)
6 category, approximately \$2,926,983.59;

7 i. for approximately 88 claims in the Cook Inlet Salmon Set Net (S04H)
8 category, approximately \$1,729,840.52;

9 j. for approximately 336 claims in the Kodiak Salmon Seine (S01K) category,
10 approximately \$2,843,150.78;

11 k. for approximately 10 claims in the Kodiak Salmon Beach Seine (S02K)
12 category, approximately \$74,164.60;

13 l. for approximately 43 claims in the Kodiak Salmon Set Net (S04K)
14 category, approximately \$1,016,574.10; and

15 m. for approximately 107 claims in the Chignik Salmon Seine (S01L) category,
16 approximately \$2,785,813.34.

17
18 5. With respect to the proposed distribution to the twelve new categories of the
19 portion of the \$383,349,750.00 to which they are entitled, I performed the same analysis
20 as was discussed in paragraphs 4 – 14 of my October 29, 2008 declaration. Amounts
21 being distributed to the 12 new claim categories that are the subject of this application are
22
23
24
25

1 set out in Exhibit B to this declaration, and are approximately \$47,529,727.96 of the
2 \$246,263,667.34 available to all 51 categories.

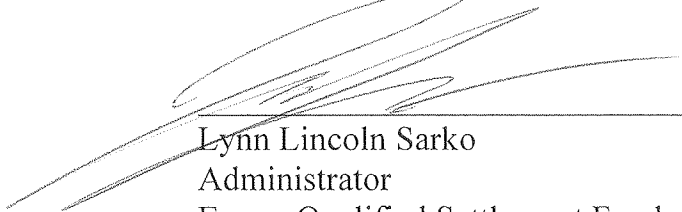
3 6. There are approximately 3,906 claims that fall within the twelve new claim
4 categories this application covers. To facilitate an orderly distribution of this portion of
5 the Punitive Damages recovery as expeditiously as possible, claimants listed in Exhibit C
6 are those whose claims are *not* currently encumbered by liens, levies, assignments or any
7 other impairment. Because claimants' files with liens, levies, assignments or further
8 impairments require detailed individual attention, I anticipate filing subsequent requests
9 for those claimants in these twelve categories. There are approximately 2,521 claims that
10 are currently unimpaired and are listed on Exhibit C. The dollar figures provided in
11 Exhibit C are gross dollar allocations to claimants in the twelve new claim categories
12 prior to any deductions for attorneys' fees. The total gross dollar amount listed in Exhibit
13 C is \$31,278,012.03.

14
15
16
17 7. If the court approves the current request, I will begin authorizing payments to
18 be issued to each of the listed claimants as soon as possible after entry of this Court's
19 order approving the distribution application. Because payments to claimants in the
20 twelve new categories have no lien issues, I anticipate at this time that they will be paid
21 first.

22 8. I certify under penalty of perjury of the laws of the State of Washington that the
23 foregoing is true and correct.
24
25

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

1 DATED this 25th day of March 2009 at Seattle, Washington.

2 

3 Lynn Lincoln Sarko
4 Administrator
5 Exxon Qualified Settlement Fund
6 Alyeska Qualified Settlement Fund
7 Post Office Box 21945
8 Seattle, Washington 98111
9 (206) 623-1900

10 Certificate of Service

11 The undersigned certifies that on March 25, 2009, a true
12 and correct copy of the foregoing DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF
13 LEAD COUNSEL'S THIRD APPLICATION FOR AN ORDER AUTHORIZING THE
14 DISTRIBUTION OF FUNDS FROM THE EXXON QUALIFIED SETTLEMENT FUND
15 TO NATV, F00E, S01E, S03E, S04E, S01H, S03H, S04H, S01K, S02K, S04K, S01L, AQUA, G01E,
16 G01H, G01K, G34E, G34K, H01E, H01K, L12E, L21E, RPRO AND NATC CLAIMANTS AND
17 THEIR ATTORNEYS was served on the following attorneys or parties of record by the court's ECF system:

18 Douglas J. Serdahely
19 PATTON BOGGS LLP
20 E-mail: dserdahely@pattonboggs.com

Lloyd B. Miller
SONOSKY, CHAMBERS, SACHSE,
MILLER & MUNSON
E-mail: lloyd@sonosky.net

21 By: s/ David W. Oesting _____

22 **Davis Wright Tremaine LLP**
23 L_{AW} OFFICES
24 Suite 800 · 701 West 8th Avenue
25 Anchorage, Alaska 99501
(907) 257-5300 · Fax: (907) 257-5399