

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 SECOND APPLICATION FOR AN ORDER DISTRIBUTING
EXXON QUALIFIED SETTLEMENT FUNDS TO NATV, NOOS, F00E, S01E,
S03E, S04E, S01H, S03H, S04H, S01K, S02K, S04K AND S01L CLAIMANTS AND
THEIR ATTORNEYS**

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

1 This is the second of several applications for authority to distribute portions of the
2 \$383,349,750.00 plaintiffs received from Exxon in late August, 2008, as a partial
3 payment on the punitive damages judgment entered by the United States Supreme Court.
4 Though issues involving costs and interest continue to be litigated in the Ninth Circuit,¹
5 Lead Counsel wishes to continue to distribute as much of the amount received as
6 reasonably possible. On November 24, 2008, this Court approved the distribution of
7 approximately \$150 million of the funds received to approximately 12,000 claimants.
8 That distribution occurred between December 5 and December 12, 2008 through direct
9 deposit and mailed checks to claimants.²
10
11

12 Consistent with the methodology in the prior application which distributed
13 payments to persons whose entire claim went directly to the claimant, we have
14 determined that there approximately 8,100 claims which have not yet been paid to
15 approved claimants in the first 13 claim categories, NATV, NOOS, F00E, S01E, S03E,
16 S04E, S01H, S03H, S04H, S01K, S02K, S04K AND S01L. Of those 8,100,
17 approximately 5,300 involve claims where there is a single payee other than the claimant.
18
19

20 ¹ Oral argument took place on December 15, 2008, and the matter was thereafter taken under
21 advisement by the panel.

22 ² Declaration of Lynn Lincoln Sarko in Support of Lead Counsel's Application for an Order
23 Distributing Exxon Qualified Settlement Funds to NATV, NOOS, F00E, S01E, S03E, S04E,
24 S01H, S03H, S04H, S01K, S02K, S04K and S01L Claimants and Their Attorneys, (Sarko
25 Declaration), Par. 3.

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

1 Such payees include the IRS, state child support agencies, prior spouses, judgment
2 creditors and assignees. Payments can be made for claims falling in these categories
3 either completely to the non-claimant payee (such as the IRS), or partially to the claimant
4 and partially to the non-claimant payee if the claim exceeds the amount necessary to
5 satisfy the lien or assignment. This application seeks court authority to distribute to the
6 “single lien” group of payees in the thirteen categories; a third application will later seek
7 authority to distribute claims to those whose claims present additional complications.³
8
9 The gross amount of payments to claimants (including 19.4% attorneys fees) is
10 \$62,529,097.75. The list of claimants who will either receive payments or on whose
11 behalf payments will be made to their parties, and the total gross amounts of their claims
12 is set out in Exhibit A.
13
14

15 If the Court approves the current request on or before January 30, the
16 Administrator will begin authorizing payments to be issued to each of the claimants listed
17 on Exhibit A within approximately two weeks of the Court’s order, and is preparing his
18 staff to be ready to accomplish the distributions according to this timeline.
19

20 This submission does not cover any of the 39 remaining claim categories, which
21 will be covered in future applications.
22

23
24 ³ Sarko Declaration, Par. 2.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Respectfully submitted this 20th day of January 2009.

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

Certificate of Service

The undersigned certifies that on January 20, 2009, a true and correct copy of the foregoing Second Application for Order Distributing EQSF Funds to NATV, NOOS, F00E, S01E, S03E, S04E, S01H, S03H, S04H, S01K, S02K, S04K and S01L Claimants was served on the following attorneys or parties of record by the court's ECF system:

Douglas J. Serdahely
PATTON BOGGS LLP
601 West 5th Avenue, Suite 700
Anchorage, AK 99501
E-mail: dserdahely@pattonboggs.com

Lloyd B. Miller
SONOSKY, CHAMBERS, SACHSE,
MILLER & MUNSON
900 West 5th Avenue, Suite 700
Anchorage, AK 99501
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