

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 TWENTIETH APPLICATION FOR AN ORDER DISTRIBUTING
EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE
CLAIM CATEGORIES AND THEIR ATTORNEYS

This is the twentieth of several applications for authority to distribute portions of
the money plaintiffs received from Exxon as partial payments on the punitive damages

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

1 judgment entered by the United States Supreme Court.

2 The current application to distribute punitive damages covers (1) claimants
3 scheduled to receive their portion of the Final Distribution (as defined in connection with
4 the Sixteenth Application) in any of the 51 claim categories that have multiple
5 impairments on their claims;¹ and (2) claimants who have had some impediment to
6 distribution of their claims in a prior application, and for whom the impediment is now
7 resolved. See Declaration of Lynn L. Sarko, filed herewith.
8
9

10 Examples of claimants who are covered in this application because their claim has
11 recently been resolved include those deceased claimants for whom a personal
12 representative had not been identified in the past, claimants who submitted updated
13 address information and those claimants whose IRS levies have now been released. The
14 number of recently resolved impaired claims is composed of approximately 55 claimants,
15 with 227 claims to process. Assuming no additional lien, levy or assignment is received
16 between now and when payments are issued, the entire amount will be paid to these
17 claimants, by either direct deposit or check.nts in the various categories. There are 227
18 claims being paid, the total amount of which is \$466,442.40.
19
20
21
22

23 ¹ Because there are at least 660 multi-impaired claimants with over 1720 claims to
24 process, and it may take at least three months for all of them to be processed, this
25 application includes only about one third of the claimants in this category. A series of
applications will be made covering additional claims with multiple impairments.

1 Exhibit A to the Sarko Declaration sets out the gross amounts of Combined
2 Compensatory Damages (the Supplemental, Compensatory Damages and Compensatory
3 Interest allocations are consolidated on Exhibit A) payments allocated to claimants.
4 There are 195 claims being paid, the total amount of which is \$17,717.22.
5

6 Exhibit B to the Sarko Declaration sets out the gross amounts of Punitive
7 Damages Principal allocated to claimants. There are 81 claims being paid, the total
8 amount of which is \$139,514.88.
9

10 Exhibit C to the Sarko Declaration sets out the gross amounts of Punitive
11 Damages Interest allocated to claimants. There are 91 claims being paid, the total
12 amount of which is \$294,587.46.
13

14 Exhibit D to the Sarko Declaration sets out the gross amounts of the Final
15 Distribution allocated to claimants. There are 417 claims being paid, the total amount of
16 which is \$1,456,727.95.
17

18 There are no contested claims being paid under the Twentieth Application. The
19 dollar figures provided in Exhibits A, B, C and D are gross dollar allocations on claims
20 prior to any deductions for attorneys' fees or costs. The total amount of gross payments
21 under this Twentieth Distribution Application is \$1,908,547.51.
22

23 A proposed order is attached authorizing the proposed distributions discussed in
24 this application.
25

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 8th day of June 2011.

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 June 8th, 2011, a true and correct copy of the foregoing LEAD COUNSEL'S TWENTIETH 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:

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

Lloyd B. Miller
SONOSKY, CHAMBERS, SACHSE,
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

LEAD COUNSEL'S TWENTIETH APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE CLAIM CATEGORIES AND THEIR ATTORNEYS - 4