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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)
18 The EXXON VALDEZ)

Case No. 3:89-cv-095 (HRH)
(Consolidated)

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

23 DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF LEAD
24 COUNSEL'S TWENTY-SECOND PUNITIVE DAMAGES APPLICATION FOR AN
25 ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO
CLAIMANTS IN VARIOUS CATEGORIES AND THEIR ATTORNEYS

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1 1. I am the Court-appointed Claims Administrator of 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 to distribute punitive damages covers: (1) claimants
7 scheduled to receive their portion of the Final Distribution (as defined in connection with
8 the Sixteenth Application) in any of the 51 claim categories that have multiple
9 impairments on their claims (this is the third of several successive applications covering
10 claimants with multiple impairments to their claim);¹ and (2) claimants who have who
11 had some impediment to distribution of their claims in a prior application, and for whom
12 the impediment is now resolved.
13

14 3. Examples of claimants who are covered in this application because their claim
15 has recently been resolved include those deceased claimants for whom a personal
16 representative had not been identified in the past, claimants who submitted updated
17 address information and those claimants whose IRS levies have now been released. The
18 number of recently resolved impaired claims is composed of approximately 40 claimants,
19 with 147 claims to process. Assuming no additional lien, levy or assignment is received
20 between now and when payments are issued, the entire amount will be paid to these
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22
23

24 ¹ Because there were over 1720 claims with multiple liens, approximately one third of
25 them were included in each of the 20th and 21st applications. The final third is included in

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1 claimants, by either direct deposit or check for claimants in the various categories. There
2 are 147 claims being paid, the total amount of which is \$564,790.31.

3 4. Because this is the last of the applications dealing with claimants in the
4 multiple claim categories that have been the principal distributees of the first through
5 twenty-first punitive damages applications, and because we are now in the final stages of
6 administration of the EQSF, I provide the following estimated timetable for the Court as
7 to what remains to be done.
8

9 (a) Within the next two months, Lead Counsel and I anticipate seeking authority
10 to distribute the very limited reserved funds for the Halibut and Recreational Use claim
11 categories. Both have very limited funds available.
12

13 (b) There remain approximately 731 claimants for whom we have not been able to
14 make distributions in the normal course so far. These claimants fall in several categories,
15 including: (1) those whose have not maintained a current address with the EQSF; (2)
16 those who have passed away but no representative has yet come forward on behalf of the
17 estate, or (3) those who have some other technical problem with their claims. It has been
18 our practice in the past to seek permission to pay such claims on the next application to
19 the Court once the issue which precluded their inclusion was resolved. Before the end of
20 this year, Lead Counsel and I anticipate presenting an application that will authorize the
21 AQSF and EQSF to turn over any such un-distributable amounts in the Fund to the
22
23
24
25 this application.

1 various states in which claimants, lien agents, heirs, assignees or other 3rd-party judgment
 2 holders were last known to reside. Lead Counsel and I will be seeking a Court order
 3 authorizing the AQSF and EQSF to distribute the funds to the State's unclaimed property
 4 division no later than December 31, 2013. In the interim, the EQSF will continue efforts
 5 to aggressively identify and release funds on "deficient claims" after the Court approves
 6 such a request, so that the final amounts remitted to the various unclaimed property
 7 divisions are minimized. This work is expected to involve employing the IRS to send
 8 letters to such claimants (with the hope that the Service has a more current address than
 9 we do) under its letter forwarding program, as well as continuing the aggressive efforts
 10 we have made over the years to track down lost claimants or their relatives or other
 11 survivors for deceased claimants. I currently envision completing the transference
 12 process of unclaimed property before then end of 2013. No funds will be transferred to
 13 any State's unclaimed property division without prior authorization by the Court.
 14
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 16

17 (c) Before the end of the year, Lead Counsel and I anticipate seeking authority for
 18 an order authorizing distribution of a portion of the 1% Contingency Fund to claimants
 19 who have thus far received less than 85% of the value of their claims. While work on the
 20 exact amount that will be available continues, I anticipate that we will have adequate
 21 resources to ask for a *cy pres* remedy, which will permit an estimated 2000 claimants in
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1 the Cannery Worker and other categories to receive an additional distribution. ¹

2 (d) I anticipate that after all possible distributions have been made, and all
3 administrative expenses paid, there could be a small portion of our contingency funds that
4 may remain. A final filing will include a recommendation for distribution of any such
5 funds.
6

7 5. Exhibit A to this declaration sets out the gross amounts of Combined
8 Compensatory Damages (the Supplemental, Compensatory Damages and Compensatory
9 Interest allocations are consolidated on Exhibit A) payments allocated to claimants.
10 There are 138 claims being paid, the total amount of which is \$6,729.59.
11

12 6. Exhibit B to this declaration sets out the gross amounts of Punitive Damages
13 Principal allocated to claimants. There are 86 claims being paid, the total amount of
14 which is \$249,126.44.
15

16 7. Exhibit C to this declaration sets out the gross amounts of Punitive Damages
17 Interest allocated to claimants. There are 97 claims being paid, the total amount of which
18 is \$407,724.43.
19

20 8. Exhibit D to this declaration sets out the gross amounts of the Final
21 Distribution allocated to claimants. There are 412 claims being paid, the total amount of
22

23 ¹ Any claimant, lien agent, heir, assignee or any other 3rd-party judgment holder eligible
24 to receive funds via the *cy pres* remedy who the EQSF unable fully pay by the end of
25 2013, would also have their funds remitted as unclaimed property.

1 which is \$2,233,784.11.

2 9. There are no contested claims being paid under the 22nd Application.

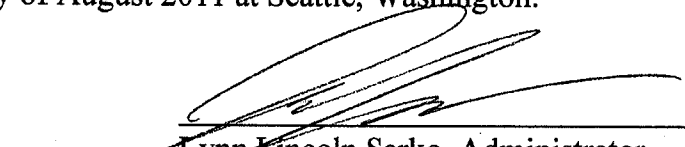
3 10. The dollar figures provided in Exhibits A, B, C and D are gross dollar
4 allocations on claims prior to any deductions for attorneys' fees or costs. The total
5 amount of gross payments under this Twenty-Second Distribution Application is
6 \$2,897,364.57.
7

8 11. If the Court approves the current request, I will begin authorizing payments to
9 be issued on behalf of or to the listed claimants after completion of the distribution of
10 payments on the 21st Application, which was approved by the Court on August 9, 2011
11 at Docket No. 9740
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1 12. I certify under penalty of perjury of the laws of the State of Washington that
2 the foregoing is true and correct.

3 DATED this 25th day of August 2011 at Seattle, Washington.

4
5 

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

10 Certificate of Service

11 The undersigned certifies that on August 21st 2011, a true and correct copy of the foregoing
12 DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF 21st PUNITIVE DAMAGES
13 APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS
TO CLAIMANTS IN VARIOUS 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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16 By: s/ David W. Oesting

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