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Honorable H. Russel Holland

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE DISTRICT OF ALASKA

16 In re: )  
17 ) Case No. 3:89-cv-00095-HRH  
18 The EXXON VALDEZ ) (Consolidated)  
19 \_\_\_\_\_ )  
20 )  
21 THIS DOCUMENT RELATES TO )  
22 ALL CASES )  
23 \_\_\_\_\_ )

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

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

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1 judgment entered by the United States Supreme Court, and specifically the first  
2 application to distribute a portion of the \$470,268,908.71 received on July 1, 2009, along  
3 with a portion of the \$383,349,750 received in August, 2008.

4  
5 The starting point for this application is determining how much of the  
6 \$470,268,908.71 recently received is available for distribution to claimants covered by  
7 the Plan of Allocation. As Mr. Sarko has explained in his declaration in support of the  
8 contemporaneously filed Seventh Application, using the methodology that the Court  
9 approved in the first application to distribute punitive damages, and after the set asides  
10 requested in the Seventh Application, \$407,049,250.24 is available now for distribution  
11 to all 51 claim categories. See Declaration of Lynn Lincoln Sarko in Support of Lead  
12 Counsel's Seventh Punitive Damages Application Setting Aside Funds to Claimants in  
13 the Processor and Cannery Worker Claim Categories.

14  
15  
16 This application proposes to distribute \$298,718,637.36 of that \$407,049,250.24 to  
17 17,297 claims in 47 claim categories, primarily those who have no encumbrance issues or  
18 minimal encumbrance issues with their claims. It also proposes to distribute \$771,428.79  
19 of the \$383,349,750 received in 2008 to claimants that now have encumbrances removed  
20 from their claims.  
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LEAD COUNSEL'S EIGHTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE CLAIM CATEGORIES  
AND THEIR ATTORNEYS - 2

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

1 Attached as Exhibit A to this Application is the report showing gross dollar  
2 allocations from the \$470,268,908.71 to 17,297 claims filed in the 47 claim categories we  
3 are proposing should receive payment through this application.  
4

5 Attached as Exhibit B to this Application is the report showing gross dollar  
6 allocations of Punitive Damage Interest to claimants who have approved damaged gear  
7 claims. As with previous distributions on damaged gear claims, they were calculated on  
8 a *pro rata* basis, proportional to the ratio of loss to the total relevant matrix damages, as  
9 set forth in the Plans of Distribution. As further noted in those plans, damaged gear  
10 claims are only awarded “up to the amount of loss,” but there is no guarantee that there  
11 will be sufficient recoveries to pay all damaged gear claims the total amount of the loss.  
12

13 Attached as Exhibit C to this Application is the report showing gross dollar  
14 allocations for claimants who will receive payments from both the original \$383,349,750  
15 recovery and the \$470,268,908.71 recovery. These claimants have resolved a prior  
16 encumbrance that prevented their inclusion in one of the first six Punitive Damages  
17 Principal distribution applications. The gross dollar allocations listed in Exhibit C are  
18 itemized for each claimant, claim category and distribution to differentiate the amount of  
19 Principal and Interest the particular claimant is eligible to receive.  
20

21 A proposed order is attached authorizing the proposed distributions discussed in  
22 this application.  
23  
24  
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LEAD COUNSEL'S 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                    Respectfully submitted this 20<sup>th</sup> day of August 2009.

2  
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11                    Certificate of Service

12                    The undersigned certifies that on August 20, 2009, a true and correct copy of the foregoing  
13                    LEAD COUNSEL'S EIGHTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
14                    QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE CLAIM  
15                    CATEGORIES AND THEIR ATTORNEYS was served on the following attorneys or  
16                    parties of record by the court's ECF system:

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