

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 FOURTH PUNITIVE DAMAGES APPLICATION FOR AN ORDER**  
24 **DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO AREA**  
25 **BUSINESS, NON-NATIVE SUBSISTENCE, TENDER, PERSONAL INJURY,**  
**PERSONAL PROPERTY, AQUACULTURE AND NATIVE CORPORATION**  
**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           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 Fourth Punitive  
7 Damages Application) to distribute Punitive Damages covers claimants with no liens,  
8 levies, assignments or further impairment on their claims in seven of the remaining  
9 categories. These claims are discussed in paragraph 3 and 4 below, and include claimants  
10 in the following claim categories: Area Business (BUSI), Personal Injury (PINJ),  
11 Personal Property (PPRO), Tender (TEND), Non-Native Subsistence (NNSU),  
12 Aquaculture Association (AQUA)<sup>1</sup>, and Native Corporation (NATC)<sup>2</sup>.  
13  
14  
15

16 \_\_\_\_\_  
17 <sup>1</sup> The only aquaculture association for which this motion seeks authority to pay is Kodiak Island Aquaculture  
18 Association, whose claim is now ready for payment.

19 <sup>2</sup> The sole claimant in the Native Corporation (NATC) claim category, Seldovia Native Corporation (SNA), was the  
20 subject of the Third Punitive Damages Application, made on March 23, 2009, but through an error by counsel, was  
21 not on Exhibit C, the list of claimants whose claims were approved by the court on April 15, 2009, docket # 9067.  
22 SNA's Gross Dollar Allocation was included in the \$47,529,727.96 figure on Page 6 of the Lynn Lincoln Sarko's  
23 Declaration, docket # 9040. Counsel has corrected the error by including SNA and its claim on Exhibit A to this  
24 application so that SNA can be promptly paid upon the Court's approval.  
25

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

1 3. To determine for the portion of the \$383,349,750.00 for the five new claim  
2 categories to which they are entitled, I performed the same analysis as was discussed in  
3 paragraphs 4 – 14 of my October 29, 2008 declaration. Amounts being distributed to the  
4 five new claim categories that are the subject of this application are set out in Exhibit A  
5 to this declaration and are approximately \$2,642,849.24 of the \$246,263,667.34 available  
6 to all 51 categories.  
7

8 4. There are approximately 443 claims that fall within the five new claim  
9 categories this application covers. To facilitate an orderly distribution of this portion of  
10 the Punitive Damages recovery as expeditiously as possible, claimants listed in Exhibit A  
11 are those whose claims are *not* currently encumbered by liens, levies or assignments or  
12 any other impairment in these five categories, together with the single claimants who are  
13 being paid in the Aquaculture Association and Native Corporation categories. Because  
14 claimants' files with liens, levies, assignments or further impairments in the five new  
15 categories require detailed individual attention, I, along with Lead Counsel, anticipate  
16 filing subsequent distribution applications to those claimants in these five categories.  
17

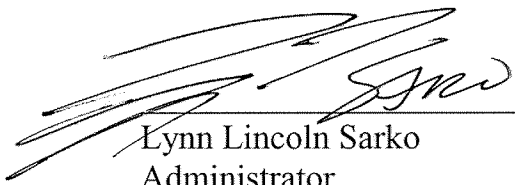
18 There are approximately 445 total claims that are currently unimpaired and are  
19 listed on Exhibit A, including the Aquaculture Association and Native Corporation  
20 claims. The dollar figures provided in Exhibit A are gross dollar allocations to claimants  
21 prior to any deductions for attorneys' fees. The total gross dollar amount listed in Exhibit  
22 A is \$3,955,453.14 for all seven categories.  
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5. If the court approves the current request, I will begin authorizing payments to be issued to each of the listed claimants as soon as possible after entry of this Court's order approving the distribution application. Because payments to claimants in the seven categories have no lien issues, I anticipate at this time that we will be able to begin distributions within two weeks.

6. I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED this 4<sup>th</sup> day of May 2009 at Seattle, Washington.



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

Certificate of Service

The undersigned certifies that on May 4, 2009, a true and correct copy of the foregoing DECLARATION OF Lynn Lincoln Sarko was served on the following attorneys or parties of record by the court's ECF system:

Douglas J. Serdahely  
PATTON BOGGS LLP  
601 West 5<sup>th</sup> 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 8<sup>th</sup> Avenue  
Anchorage, Alaska 99501  
(907) 257-5300 · Fax: (907) 257-5399