

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In re)	
)	
the EXXON VALDEZ)	
_____)	
This Document Relates to)	No. 3:89-cv-0095-HRH
)	
ALL CASES)	
_____)	

O R D E R

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

This matter is before the Court on Lead Counsel's Second Application for an Order Authorizing the Distribution of Funds from the Exxon Qualified Settlement Fund to Claimants in Native (NATV), Native Opt Out Settlement Class (NOOS), the Prince William Sound 1989 Fund (F00E), Prince William Sound Salmon Seine (S01E), Prince William Sound Salmon Drift (S03E), Prince William Sound Salmon Set Net (S04E), Cook Inlet Salmon Seine (S01H), Cook Inlet Salmon Drift (S03H), Cook Inlet Salmon Set Net (S04H), Kodiak Salmon Seine (S01K), Kodiak Salmon Beach Seine (S02K), Kodiak Salmon Set Net (S04K), and Chignik Salmon Seine (S01L) Claim Categories.¹ The motion is opposed by claimant Larry Powers.²

¹Docket No. 8959.

²Opposition to Motion of All Plaintiffs, Docket No. 8972.

Mr. Powers contends that the Claims Administrator has erroneously calculated his final percentage share of recoveries from Exxon. Mr. Powers represents that the question of the "fairness" of prior decisions on his claims "is now before the Supreme Court of the United States."³ The docket of the United States Supreme Court appears to confirm that Mr. Powers' petition was filed on December 11, 2008, and that the matter was "docketed" on January 29, 2009. The docket of the Ninth Circuit Court of Appeals reflects that its mandate to this court is still in place; but the mandate (which affects only Mr. Powers' claim) may be withdrawn. The Ninth Circuit Court rejected both Mr. Powers' and the Administrator's appeals from this court's decision on review of a Special Master's report determining Mr. Powers' claim.

Mr. Powers has not advanced and the court does not perceive any good reason why the second, partial distribution of proceeds sought by the Administrator in the instant motion should be delayed as to everyone because of Mr. Powers' claim. As a result of its consideration of the motion, the supporting Declaration of Lynn Lincoln Sarko, and the attached exhibits, the Court has concluded that the relief requested in the application should be granted. This second application involves claims in the listed categories for which there is a single non-claimant payee who is authorized to receive all or part of the claim. Therefore, it is

³Id. at 1.

ORDERED:

1. Lead Counsel and the Exxon Qualified Settlement Fund Administrator are hereby authorized and directed to distribute some of the litigation proceeds held in the Exxon Qualified Settlement Fund to third-party non-claimant payees if said payees are entitled to all of the claimant's claim, and the balance, after payment of the third-party payee, if any, to the claimants listed on Exhibit A to this Order. The total amount paid shall be the dollar allocations indicated in Exhibit A less the appropriate deductions for attorney fees previously authorized by the Court. Lead Counsel and the Exxon Qualified Settlement Fund Administrator are authorized to make necessary corrections to the final percent shares and gross dollar allocations for the claimants listed in Exhibit A to this Order, provided as such changes do not reduce the resulting payment to any one claimant by more than five percent.

2. The Exxon Qualified Settlement Fund Administrator shall authorize checks to be issued for the payments referred to in paragraph 1 above.

DATED at Anchorage, Alaska, this 12th day of February, 2009.

/s/ H. Russel Holland
United States District Judge