

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 Amended
Eighth Application for Distributions

Lead Counsel has filed an eighth application for an order distributing Exxon Qualified Settlement Fund (EQSF) punitive damages recoveries to multiple claimants and their attorneys.¹ Shortly after this filing, Lead Counsel served and filed an amended application² which is intended to entirely supplant the originally filed eighth application.

Lead Counsel's eighth application was immediately preceded by the seventh application as supplemented, which did not seek distributions but rather sought the creation of certain reserves in the processor and cannery worker claim categories. Responses to

¹Docket No. 9271.

²Docket No. 9299.

the seventh and eighth applications were filed by the Exxon Defendants, All Alaskan Seafoods, a group of cannery workers, Seafood Sales, Inc., and claimant Larry Powers. By its order of October 30, 2009,³ the court has authorized the creation of reserves of litigation proceeds held in the EQSF which are, in the opinion of the court, sufficient to accommodate claims asserted by Exxon, All Alaskan Seafoods, Seafood Sales, Inc., and certain cannery workers. Lead Counsel has reaffirmed that the eighth application does not affect reserves otherwise set up by the EQSF Administrator for Cook Inlet Processing, Inc., and Nautilus Marine Enterprises, Inc.⁴ Mr. Powers' objection was rejected for purposes of the seventh and eighth applications, and all other objections to the eighth application, as amended, are rejected for the reasons stated in the court's order on the seventh application.

The court finds that after the reserves created as a consequence of the seventh application, approximately \$401,425,004.41 out of gross recoveries of \$470,268,908.71 in punitive damages interest is available for distribution to 51 claim categories. By the amended eighth application, Lead Counsel and the Administrator propose to distribute approximately \$293,580,105.23 of the \$401,425,004.41 to 17,297 claimants in 47 claim categories. Lead Counsel and the Administrator also propose to distribute \$771,428.79 of punitive damages principal received by the Administrator in 2008 and \$908,560.59 of punitive damages interest in 21

³Docket No. 9395.

⁴Docket No. 9399.

claim categories to 177 claimants who now have encumbrances removed from their claims. In furtherance of the foregoing, Lead Counsel and the Administrator have provided the court with: an Exhibit A, showing the gross dollar amounts to be distributed to the 17,297 claimants in 47 claim categories; an Exhibit B, showing the gross dollar amounts of the punitive damages interest to be paid claimants who have approved damaged gear claims; and an Exhibit C, showing the gross dollar amounts to be paid claimants who will receive payments from both the principal recovery and the interest recovery.

There being no further, unresolved objections to Lead Counsel's amended eighth application for distribution of EQSF recoveries,

IT IS ORDERED:

1. The Exxon Qualified Settlement Fund Administrator, as authorized by the court's order of October 30, 2009,⁵ on Lead Counsel's Seventh Application for Distribution of Funds as supplemented, is directed to reserve \$4,677,759.55 of the litigation proceeds held in the Exxon Qualified Settlement Fund for the potential benefit of processor claimants and \$1,547,593.26 for the potential benefit of cannery worker claimants.
2. The Exxon Qualified Settlement Fund Administrator, as authorized by the court's order of October 30,

⁵Docket No. 9395.

2009,⁶ on Lead Counsel's Seventh Application for Distribution of Funds as supplemented, is authorized and directed to reserve \$5,681,056.39 of the litigation proceeds held in the Exxon Qualified Settlement Fund to cover Exxon's claims made in its August 31, 2009, motion.⁷ Such reserve shall be set aside from the litigation proceeds as a whole and not from funds held for the benefit of any particular claim category. Lead Counsel for All Plaintiffs and Exxon agree that availability of the reserve to satisfy Exxon's claims shall not be affected or lessened in any way if the processor claim category, or any other claim category, or any individual claimant shall turn out to be overpaid.

3. The Exxon Qualified Settlement Fund Administrator, as authorized by the court's order of October 30, 2009,⁸ on Lead Counsel's Seventh Application for Distribution of Funds as supplemented, is authorized and directed to reserve \$2,233,100.77 of the litigation proceeds held in the Exxon Qualified Settlement Fund to cover All-Alaskan's claims made in its September 11, 2009, objection.⁹

⁶Id.

⁷Docket No. 9287.

⁸Docket No. 9395.

⁹Docket No. 9308.

4. For those claimants listed on Exhibits A-C hereto, 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 the claimants. The total amount paid shall be the dollar allocations indicated in Exhibits A-C less the appropriate deductions for attorney fees previously authorized by the court, reduced by approximately 0.8% to accommodate the reserve of \$2,233,100.77 discussed in paragraph 3 above. 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 Exhibits A-C to this order, provided that such changes do not reduce the resulting payment to any one claimant by more than 5%.
5. The Exxon Qualified Settlement Fund Administrator shall authorize checks and direct deposits to be issued for the payments referred to in paragraph 4 above.

DATED at Anchorage, Alaska, this 5th day of November, 2009.

/s/ H. Russel Holland
United States District Judge