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Liaison Counsel for Plaintiffs

Honorable H. Russel Holland

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In re:)	
)	Case No. 3:89-cv-00095-HRH
The EXXON VALDEZ)	(Consolidated)
_____)	
)	
THIS DOCUMENT RELATES TO)	
ALL CASES)	
_____)	

LEAD COUNSEL'S SEVENTEENTH PUNITIVE DAMAGES APPLICATION FOR
AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO
CLAIMANTS IN VARIOUS CATEGORIES AND THEIR ATTORNEYS

This is the seventeenth 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. The current application (All
2 Plaintiffs' Lead Counsel's Seventeenth Punitive Damages Application) to distribute
3 EQSF funds covers claimants scheduled to receive their portion of the Final Distribution
4 (as defined in connection with the Sixteenth Application), as well as Combined
5 Compensatory Damages, Punitive Damages Principal and/or Punitive Damages Interest
6 for these claimants if they have not previously received those distributions. *See*
7 Declaration Of Lynn Lincoln Sarko In Support Of Lead Counsel's Seventeenth Punitive
8 Damages Application For An Order Distributing Exxon Qualified Settlement Funds To
9 Claimants In Various Categories And Their Attorneys, filed herewith.
10
11

12 This application covers claimants primarily but not exclusively in four categories:

13 (1) claimants who have a lien as a result of a bankruptcy proceeding (2) claimants who
14 have a single lien owed to the State of Alaska's Commercial Fisheries Aquaculture Bank
15 or Division of Investments; (3) claimants who have a single lien owed to a child support
16 enforcement agency in Alaska or elsewhere; and (4) claimants who had some impediment
17 to distribution in a prior application, but for whom the impediment is resolved. Examples
18 of such impediments include the failure of a personal representative to have identified
19 themselves in the past, (now cleared because we have received notice of a court
20 appointment or an appropriate affidavit for a small estate), or IRS liens which have now
21 been released. Though the current application covers primarily claimants with single
22 liens or claimants for whom impediments to distribution have been cleared up, there will
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LEAD COUNSEL'S SEVENTEENTH PUNITIVE DAMAGES APPLICATION FOR AN ORDER
DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANT IN VARIOUS
CATEGORIES AND THEIR ATTORNEYS - 2

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

1 be some additional claimants covered, including claimants with contested claims, like
2 Mr. Robert Bellanich, for whom the Court directed that the Administrator¹ process his
3 unopened fisheries claim, and he is thus now eligible to receive a distribution.
4

5 To assist the Court in its planning, and to provide notice to claimants not covered
6 by this current application, we provide the following information regarding the timing
7 and content of anticipated future applications.
8

- 9 • Following essentially the same approach used in connection with the
10 distribution of punitive damages and interest, the Administrator is
11 expecting to make an eighteenth application that will involve claimants in
12 all claim categories whose sole impairment is a levy, voluntary withholding
13 or involuntary withholding to be paid to the Internal Revenue Service.
- 14 • The nineteenth application will involve claimants in all claim categories
15 with single liens owed to all other entities, including, primarily, general
16 judgment debtors and former spouses.
- 17 • We will then file successive applications for claimants in all claim
18 categories with multiple liens. We anticipate continuing to identify as
19 many multiple lien claims in each application as will permit us to get the
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25 ¹ Docket 9602.

1 payments out within approximately four weeks after the Court grants an
2 order.

3
4 For the 4118 claims covered by this seventeenth application, distributions to or on
5 behalf of the claimants will be made as set out in Exhibits A-F to the Declaration of Lynn
6 Lincoln Sarko, and if the Court approves this distribution, a gross distribution of
7 \$7,427,833.63 will be made. That total is composed of \$129,807.05 to claimants
8 receiving Combined Compensatory Damages (the Supplemental, Compensatory
9 Damages and Compensatory Interest allocations) in categories other than damaged gear
10 (Exhibit A); \$1,072,793.48 to claimants receiving Punitive Damages Principal in
11 categories other than damaged gear (Exhibit B); \$1,366,370.62 to claimants receiving
12 Punitive Damages Interest in categories other than damaged gear (Exhibit C);
13 \$4,849,712.57 to claimants receiving their Final Distribution in categories other than
14 damaged gear (Exhibit D); \$226.93 to 1 claimant receiving his Final Distribution for a
15 damaged gear claim (Exhibit E); and \$8,922.98 to claimants with contested claims now
16 eligible to receive payment (Exhibit F).

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20 A proposed order is attached authorizing the proposed distributions discussed in
21 this application.

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Respectfully submitted this 19th day of January 2011.

s/ David W. Oesting
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Certificate of Service

The undersigned certifies that on January 19, 2011, a true and correct copy of the foregoing LEAD COUNSEL'S SEVENTEENTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE 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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LEAD COUNSEL'S SEVENTEENTH PUNITIVE DAMAGES APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANT IN VARIOUS CATEGORIES AND THEIR ATTORNEYS - 5