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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: )  
The EXXON VALDEZ ) Case No. 3:89-cv-00095-HRH  
(Consolidated)

\_\_\_\_\_)  
THIS DOCUMENT RELATES TO )  
ALL CASES )  
\_\_\_\_\_)

LEAD COUNSEL'S SUPPLEMENT TO THE SEVENTH APPLICATION  
PERTAINING TO THE DISTRIBUTION OF PUNITIVE DAMAGES AND TO THE  
ESTABLISHMENT OF RESERVES IN THE PROCESSOR AND  
CANNERY WORKER CLAIM CATEGORIES AND TO DEAL WITH THE  
CONTINGENCY OF PAYMENT TO EXXON

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1 This is a Supplement to the Seventh Application relating to the distribution of  
2 punitive damages to claimants filed on August 20, 2009.<sup>1</sup> In addition to the permission to  
3 set up the reserves requested in the Seventh Application (for the potential benefit of  
4 individual Processors and Cannery Workers), this Supplement to the Seventh Application  
5 asks the Court to authorize the Exxon Qualified Settlement Fund Administrator to set  
6 aside \$5,681,056.39 to cover the contingency that Exxon will be successful in its August  
7 31, 2009 Motion in which it argues that it is entitled to \$4,408,499.76 from the money it  
8 has transferred to the Exxon Qualified Settlement Fund. I have asked the Administrator  
9 to calculate the gross amount necessary, after fees, to generate the amount Exxon seeks  
10 through its Motion. The amount is \$5,681,056.39 (calculated at \$4,408,499.76/.776).  
11 See Declaration Of Lynn Lincoln Sarko In Support Of Lead Counsel's Supplement To  
12 The Seventh Punitive Damages Application Setting Aside Funds To Claimants In The  
13 Processor And Cannery Worker Claim Categories and to Deal With The Contingency of  
14 Payment to Exxon.

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19 In sum, we request via this Supplement to the Seventh Application, an order  
20 confirming that (1) the Exxon Qualified Settlement Fund Administrator is authorized and  
21 directed to reserve \$4,677,759.55 of the litigation proceeds held in the Exxon Qualified  
22 Settlement Fund for the potential benefit of Processor claimants and \$1,547,593.26 for  
23

24 \_\_\_\_\_  
25 <sup>1</sup> Clerk's Docket No. 9269.

1 the potential benefit of Cannery Worker claimants, and (2) the Exxon Qualified  
2 Settlement Fund Administrator is authorized and directed to reserve \$5,681,0561.39 of the  
3 litigation proceeds held in the Exxon Qualified Settlement Fund for potential application  
4 to cover Exxon's claims made in its August 31, 2009 Motion. A revised proposed order  
5 is attached hereto.

6  
7 Respectfully submitted this 4<sup>th</sup> day of September 2009.

8  
9 s/ David W. Oesting  
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17 Certificate of Service

18 The undersigned certifies that on September 4, 2009, a true  
19 and correct copy of the foregoing Supplement to the Seventh Application Pertaining to the  
20 Distribution of Punitive Damages and to the Establishment of Reserves in the Processor  
21 And Cannery Worker Claim Categories and Deal With the Contingency of Payment to Exxon  
22 was served on the following attorneys or parties of record by the court's ECF system:

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LEAD COUNSEL'S SUPPLEMENT TO SEVENTH APPLICATION TO DISTRIBUTE  
PUNITIVE DAMAGES FUNDS - 3

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