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Honorable H. Russel Holland

14 IN THE UNITED STATES DISTRICT COURT

15 FOR THE DISTRICT OF ALASKA

16 In re: )  
17 ) Case No. 3:89-cv-00095-HRH  
18 The EXXON VALDEZ ) (Consolidated)  
19 \_\_\_\_\_ )

20 THIS DOCUMENT RELATES TO )  
21 ALL CASES )  
22 \_\_\_\_\_ )

23 LEAD COUNSEL'S APPLICATION FOR AN ORDER DISTRIBUTING BOTH  
24 ALYESKA AND EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN  
25 THE HALIBUT AND RECREATIONAL USE CLAIM CATEGORIES  
AND THEIR ATTORNEYS

This is the twenty-third application for authority to distribute portions of the money plaintiffs received from Exxon as partial payments on the punitive damages

1 judgment entered by the United States Supreme Court along with other funds received by  
2 the EQSF and AQSF.

3  
4 The current application seeks authority to distribute all of the funds that have been  
5 held in reserve for approved claims filed in the Halibut (B05B) and Recreational Use  
6 (RECU) claim categories. Due to the relatively small amounts available for distribution  
7 in these two categories, no prior applications have been made to distribute any of the  
8 AQSF or EQSF funds that have been held for distribution in these categories.

9  
10 As explained in more detail in the Declaration of Lynn Sarko, Administrator of  
11 both the AQSF and the EQSF filed herewith, the total gross amount currently available  
12 for distribution to pay all approved Halibut claims is \$42,462.33, the amount previously  
13 reserved by the AQSF and EQSF. We seek authority to allocate and distribute this  
14 amount to approved Halibut lost income and damaged gear claims. There are 735 lost  
15 income claims eligible for payment, and three approved damaged gear claims.

16  
17 In contrast, The Recreational Use claim category *does not* include claims by  
18 individual recreational users. Rather, the Recreational Use share of recoveries was to be  
19 contributed to a trust fund to be used for purposes of restoration and recreational  
20 enhancement. Again, as explained more fully in Mr. Sarko's Declaration, (a)  
21 \$155,295.00 was set aside by the Alyeska Settlement for the benefit of the Recreational  
22 Use trust fund; \$1,979.04 was side aside from the Native/Municipality/Kodiak Island  
23  
24

25  
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1 Borough recoveries, and \$6,060.11 was set aside from the Phase IIA compensatory  
2 damage judgment and interest recoveries for Recreational Use recoveries, for a total of  
3 \$163,334.15.  
4

5 The Recreational Use funds will be deposited with a non-profit corporation  
6 established under Alaska Law which requires the funds be used for public purposes that  
7 foster the types of conservation and recreational interests affected by the Exxon Valdez  
8 Oil Spill.  
9

10 Exhibit A to the Sarko Declaration sets out the gross amounts of the total  
11 allocations to non-disputed claimants with lost income claims in the Halibut claim  
12 category. There are a total of 735 lost income claims being paid, the total amount of  
13 which is \$40,316.54. Exhibit B to the Sarko Declaration sets out the gross amounts of  
14 the total allocations to claimants with damaged-gear claims in the Halibut claim category.  
15 There are a total of three damaged gear claims being paid, the total amount of which is  
16 \$2,145.79.  
17

18 The gross dollar amounts included in Exhibit C for the Recreational Use claim  
19 category from the AQSF is \$155,295.00. The gross dollar amounts included in Exhibit D  
20 for the Recreational Use claim category from the EQSF Combined Compensatory  
21 Damages (the Supplemental, Compensatory Damages and Compensatory Interest  
22 allocations are consolidated on Exhibit D) is \$8,039.15.  
23  
24

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1 The dollar figures provided in Exhibits A through D are gross dollar allocations on  
2 claims prior to any deductions for attorneys' fees or costs.

3  
4 A proposed order is attached authorizing the proposed distributions discussed in  
5 this application.

6 Respectfully submitted this 7th day of October, 2011.

7  
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16 Certificate of Service

17 The undersigned certifies that on October 7th, 2011, a true and correct copy of the foregoing  
18 LEAD COUNSEL'S APPLICATION FOR AN ORDER DISTRIBUTING BOTH ALYESKA AND EXXON QUALIFIED  
19 SETTLEMENT FUNDS TO CLAIMANTS IN THE HALIBUT AND RECREATIONAL USE CLAIM CATEGORIES AND  
20 THEIR ATTORNEYS was served on the following attorneys or  
21 parties of record by the court's ECF system:

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25 By: s/ David W. Oesting

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