



DEEPWATER HORIZON
CLAIMS CENTER
ECONOMIC & PROPERTY DAMAGE CLAIMS

APPEAL PANEL PROCEDURES

EFFECTIVE DECEMBER 13, 2012

AMENDED DECEMBER 2, 2013



Table of Contents

	<u>Page</u>
Introduction	1
Rule 1.	1
Rule 2.	1
Rule 3.	1
Rule 4.	1
Rule 5.	2
Rule 6.	2
Rule 7.	2
Rule 8.	2

Introduction

Pursuant to Section 6.1.2.2.5.4 of the Deepwater Horizon Economic and Property Damages Settlement Agreement, the Appeal Panel establishes the following procedural rules regarding the review of appeals.

Rule 1. Summary of Review. The Claims Administrator shall prepare a Summary of Review with respect to each appeal that is referred to a member of the Appeal Panel. The Summary of Review is intended to provide the Appeal Panel member with an understanding of what occurred in the underlying processing of the claim, including the basis for the determination(s) made by the Claims Administrator. It shall include reference to any policies or procedures adopted by the Claims Administrator that are applicable to the issue(s) raised by the appeal. The Summary of Review is not to be a document that advocates one position or the other but rather is to be a narrative that simply explains how the Claims Administrator processed the claim. The Summary of Review is for informational purposes only and is to be made available to the Appeal Panel member, the Claimant and BP.

Rule 2. Oral Arguments. Appeals shall be decided on the written record only. Oral arguments will not be heard.

Rule 3. Written Decisions and Opinions. The Appeal Panel shall provide its decisions as follows:

- (a) For Each Appeal of an Eligible Claim, Regardless of Outcome Amount: The Appeal Panel shall enter its decision through the Appeal Panel Portal. That decision shall state whether the appeal is decided in favor of BP or the claimant and shall state the amount of the determination.
- (b) For Appeals with Outcomes > \$1,000,000: If the Appeal Panel determines that the claimant will receive a Compensation Amount of greater than \$1,000,000, the Appeal Panel shall provide its decision through the Appeal Panel Portal and shall also post a written opinion describing the basis of its determination. Three member panels shall coordinate to submit the written opinion. Any of the three panelists can submit it. The Appeals Coordinator shall post or mail the written opinion to the claimant and BP.
- (c) For Each Appeal of a Denied Claim, Regardless of Outcome Amount: The Appeal Panel shall enter its decision through the Appeal Panel Portal. That decision shall state whether the denial is upheld or overturned.

Rule 4. Panel Decisions. The Claims Administrator shall create public versions of the Appeal Panel decisions with personally identifying information redacted to post to the Settlement website.

Rule 5. Amicus Briefs. *Amicus* briefs may be filed by Class Counsel but no others. Any such *amicus* briefs shall be filed in accordance with the same schedule and the same deadlines as those applicable to Claimant.

Rule 6. En Banc Determinations. In order to promote and maintain uniformity and consistency of the Appeal Panel decisions, a majority of the currently active Appeal Panelists may, in their discretion, convene to discuss and vote as to the handling of issues concerning the proper interpretation and application of the Settlement Agreement. Issues that are ripe for *en banc* consideration may be identified and brought to the Appeal Panel's attention by the Parties, the Claims Administrator or individual Panelists. Such requests should be made in writing to AppealsCoordinator@dhecc.com. The Appeal Panelists may, as they deem appropriate, invite written submissions from the Parties as well as the Claims Administrator as to the issues under consideration. Issues considered *en banc* by the Appeal Panelists shall be decided by majority vote, a majority consisting of more than one-half of the currently active Appeal Panelists. Any *en banc* determinations reached by the Appeal Panelists shall, where applicable, pertain to and control all claims that are being or will be processed by the Claims Administrator and all claims that are subject to any open appeals at whatever stage they may be pending (whether before a panel, whether subject to a pending request for discretionary court review, or otherwise). *En banc* determinations shall not retroactively alter or affect any rulings previously issued by an Appeal Panel or Panelist and which are not subject to an open appeal. The Court maintains the discretionary right to review any appeal determination to consider whether the determination was in compliance with the Settlement Agreement. [effective 8/13/13]

Rule 7. Record on Appeal. Any exhibits or documents attached to memoranda on appeal are part of the record on appeal, whether or not those exhibits or documents had been previously introduced in the claim process. [effective 12/2/13]

Rule 8. Issues on Appeal. The Appeal Panel will interpret Rules 9 and 14 of the Rules Governing the Appeals Process to limit the issues considered on appeal to those originally raised *with reasonable specificity* by the appealing party, whether a claimant or BP, in its original request for appeal. This policy will apply regarding all appeals filed on or after December 16, 2013. [effective 12/2/13]