



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**In Re: Oil Spill by the Oil Rig  
“Deepwater Horizon” in the Gulf  
of Mexico, on April 20, 2010**

**MDL NO. 2179**

**SECTION J**

**Applies to: *All Cases***

**JUDGE BARBIER  
MAGISTRATE JUDGE SHUSHAN**

**REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER  
HORIZON ECONOMIC AND PROPERTY DAMAGES SETTLEMENT  
AGREEMENT ON THE STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO.**

**4**

**DATE**

**December 11, 2012**



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ECONOMIC AND PROPERTY DAMAGES SETTLEMENT AGREEMENT ON THE  
STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO. 4, DATED DECEMBER 11, 2012**

The Claims Administrator of the Deepwater Horizon Economic and Property Settlement Agreement (the “Settlement Agreement”) submits this Report to inform the Court of the current status of the implementation of the Settlement Agreement. The Claims Administrator will provide any other information in addition to this Report as requested by the Court.

**I. STATUS OF THE CLAIMS REVIEW PROCESSES AND CLAIM PAYMENTS**

**A. Registration and Claim Forms.**

The Claims Administrator opened the Settlement Program with needed functions staffed and operating on June 4, 2012, just over 30 days after the Claims Administrator’s appointment. We have received 94,443 Registration Forms and 91,902 submitted Claim Forms since the Program opened, as shown in the Public Statistics for the Deepwater Horizon Economic and Property Damages Settlement (“Public Report”) attached as Appendix A. Claimants have begun but not fully completed and submitted another 11,391 Claim Forms. The Forms are available online, in hard copy, or at Claimant Assistance Centers located throughout the Gulf. Of the total Claim Forms submitted, 10% of claimants filed in the Seafood Program, 29% filed Individual Economic Loss (IEL) Claims, and 28% filed Business Economic Loss (BEL) Claims (including



Start-up and Failed BEL Claims). *See* App. A, Table 2. DWH staff at the Claimant Assistance Centers assisted in completing 19,779 of these Claim Forms. *See* App. A, Table 3. The nineteen Claimant Assistance Centers also provide other forms, including Personal Representative Forms, Subsistence Interview Forms and Sworn Written Statements and Authorizations.

## **B. Claims Review.**

### **1. Claims Reviewed and Notices Issued.**

We completed our first reviews and issued our first outcome notices on July 15, 2012, and Payments on July 31, 2012. We have escalated the pace of reviews as reviewers become more adept at these new systems and as we expand the number of reviewers who are fully trained and are producing reliable results. Over the month of November, our weekly productivity for reviewing claims to the point of a Notice was approximately 4,500 claims per week.

### **2. Order of Claims Reviewed.**

The Claims Administrator frequently receives questions regarding the order in which the DWH Settlement Program reviews claims. Some claimants have received Notices on claims filed later than other claims for which no Notice has been received and wonder why these later-filed claims have been decided first. We have prepared a script for the Claimant Communications Center and Firm Contacts to use and a FAQ that is posted on the DWH Settlement website to explain the order in which claims are being processed. The Program generally tries to follow a first-in-first-out order when reviewing claims, although the Settlement Agreement does not mention or mandate this processing order. Despite the general goal to review claims in order, the following are reasons why this has not always been possible.

- 1) We commenced reviews of claims in certain claim types as soon as the database review module for that claim type was completed, tested, and ready. We began our reviews with the VoO Charter Payment claims, so a VoO Charter Payment claim filed after an IEL claim, for example, would have been reviewed first because the VoO system was ready



before IEL. Even two Seafood claims might have been reviewed in reverse order if one was a Shrimp Vessel Owner's claim and another was an Oyster Boat Captain's claim, because the specific review module for Shrimp Vessel Owner claims was ready first.

- 2) The Program has over 1,000 trained reviewers working on claims review. The claims are in a queue in the database, organized by claim type, and reviewers specializing in that claim type pull the claims one at a time and review them online. Two reviewers could pull claims at exactly the same time, but the time it takes to review them may vary, depending on the complexity of the claim or the amount of documents in the file to review. With so many reviewers pulling claims and finishing them at different times, it is impossible for claims entering review at roughly the same time to come out of review and receive Notices at the same time.
- 3) Even claims of the exact same claim type may have been reviewed out of chronological order, depending on the completeness of the files submitted and specific reasons why files were incomplete. As we reviewed claims, we discovered that certain of the documents required by the Settlement Agreement were missing in many of the files, and we realized that some documents required by the Settlement Agreement were not necessary for an accurate review of the claim. Starting in August, we worked with the Parties to change policies on document requirements, and many of the requirements in the Settlement Agreement have been relaxed as a result. During the period when these policies were under consideration, we did not send Notices on claims that would be affected by the change and reviewed to conclusion a claim that was not affected by the change, even though it may have been filed later.
- 4) The Claims Administrator's goal has been to review before the opt-out deadline and Fairness Hearing a sufficient sampling of claims in each of the claim types, presenting as many unique situations as possible, so that firms and claimants know how the Program will treat other similar claims. This sampling has resulted in certain claims being processed ahead of others, but the Program's overall goal of transparency and opportunity to test the process has been paramount.

Any number of other unique reasons may explain why one claim filed after another may be processed first, but these are the major reasons.

### **C. Claim Payments.**

We issued our first payments to claimants on July 31, 2012. Tables 4 and 5 of the Public Report attached at Appendix A provide detail on the notices and payments issued to date. The non-Economic Loss claim types involve fewer documents and calculations, and thus have moved more quickly than the more complex steps required by the Settlement Agreement on the



Economic Loss claim types. As of December 11, 2012, we have issued 18,332 Eligibility Notices with Payment Offers totaling \$1,377,256,036 billion. As of that date, we also have made over \$824.4 million in payments on 10,960 claims.

**D. Subsistence Claims.**

The Claims Administrator's office is working with a nutritional expert and the Parties to define the Subsistence criteria. The Claims Administrator submitted his proposed Subsistence damage calculator and criteria to the Parties for their review. We expect to conclude these extensive discussions and begin processing Subsistence claims soon.

**II. CLAIMANT OUTREACH EFFORTS**

During the week of October 8, 2012, the Claims Administrator began a Claimant Outreach Program to reach out to claimants and their attorneys to help them complete their claims. The Claimant Assistance Centers ("CACs") and members of Garden City Group began making phone calls to unrepresented claimants who had received Incompleteness Notices but had not yet responded. Through these outreach efforts, the Claims Administrator hopes to help claimants understand the documents required by the Settlement Agreement, where to find them, and how to submit them to the Settlement Program. Since it began, the Outreach Program has expanded to include calls to claimants and attorneys to help them provide adequate documents required to process payments for their claims, outreach to claimants who began but never completed filing a Claim Form in a Claimant Assistance Center, calls to claimants who responded to an Incompleteness Notice but were still missing required documents, and outreach to claimants who needed to submit additional documents so the Claims Administrator could verify the claimant's identity. The report below summarizes some of those efforts.



<b>Outreach Call Volume</b> (As of 12/11/12)							
<b>Row</b>	<b>Location</b>	<b>Calls Made</b>	<b>Incomplete Claims Affected</b>	<b>Claims With New Docs After Call</b>	<b>% of Claims With New Docs After Call</b>	<b>Claimants Visiting CAC After Call</b>	<b>% of Claimants Visiting CAC</b>
<b>1.</b>	BrownGreer	12,772	6,954	4,082	59%	2,320	33%
<b>2.</b>	Garden City Group	12,611	3,647	1,877	51%	132	4%
<b>3.</b>	P & N	1,306	657	449	68%	28	4%
<b>4.</b>	PWC	275	131	99	76%	4	3%
<b>5.</b>	<b>Totals</b>	<b>26,964</b>	<b>11,389</b>	<b>6,507</b>	<b>57%</b>	<b>2,484</b>	<b>15%</b>

#### **A. Incompleteness Notices.**

During the week of October 8, 2012, we launched an outreach effort to claimants who have received an Incompleteness Notice. The Garden City Group and the Claimant Assistance Centers call unrepresented claimants to discuss the Incompleteness Notice and document requirements. The CAC staff is also scheduling appointments so claimants can bring their documents into the CAC to go over them with a Claimant Assistant who can help them identify the documents that they must submit to complete their claims.

The Seafood Team and the accountants have coordinated to organize an outreach effort to claimants who filed Seafood Compensation Program claims. The Seafood Team and the accountants have performed a preliminary review of a number of Seafood claims and are reaching out to those claimants who are missing certain required documents in an attempt to complete the files prior to review so as to avoid an Incompleteness Notice. Members of the Claimant Communications Center are assisting with this outreach effort by placing phone calls to claimants identified through this effort and are using information provided by the accountants to elicit complete documents from the claimants.

On October 12, 2012, Law Firm Contacts began calling firms with claimants who had received Preliminary IEL Incompleteness Notices. We sent Preliminary IEL Incompleteness



Notices to claimants with one of the following situations: (1) no documentation submitted; (2) documentation submitted, but no financial documentation; (3) no tax documentation; or (4) no pay period documentation. For any firm representing nine or more claimants receiving this Notice, the Law Firm Contact called the firm to notify them of the affected claimants. We also identified law firms with the highest number of incomplete IEL claims and started outreach efforts to these firms during the week of October 22, 2012. The Law Firm Contacts performed another calling campaign on November 28, 2012, this time to firms representing ten or more claimants who had received an Incompleteness Notice for their BEL claims. All of these outreach programs to law firms have resulted in positive feedback from the firms, who generally appreciate the efforts of the Settlement Program to help them understand the documents required by the Settlement Agreement.

In addition to the outreach calls described above, on November 8, 2012, we began issuing Follow-Up Incompleteness Notices to claimants who either did not respond to the initial Incompleteness Notice within 30 days, or who responded but did not submit sufficient documents to cure the stated Incompleteness reasons. The Follow-Up Notice identifies the required documents the claimant must submit and gives the claimant 30 additional days to submit those documents.

**B. Incomplete Claim Forms.**

On October 26, 2012, and then again on November 29, 2012, the CACs reached out to claimants who had started to file a Claim Form in a CAC but had not finished submitting the Form. The CACs contacted these claimants to see if they still wished to pursue a claim with the Settlement Program and then helped them finish filing the claim online or by mail, or scheduled



an appointment for the claimant to visit a CAC to work personally with a CAC staff member to complete the claim filing process. This outreach has resulted in a number of new claim filings.

**C. Missing Payment and Release Information.**

On October 16, 2012, Law Firm Contacts began calling law firms about missing payment information. We identified any outstanding claims missing the required payment documents, such as a claimant W-9 or Attorney Fee Acknowledgment Form, and provided this information to the Law Firm Contacts. In addition to the payment outreach calls described above, we also send claimants written notification of any missing or incomplete payment documents. To date, we have issued 681 Payment Document Incomplete Notices seeking additional information from claimants who submitted incomplete or otherwise deficient payment documents. In conjunction with the payment document outreach and notice program, we also notify claimants if they have submitted an incomplete or deficient Release that would prohibit acceptance of the Release and block payment of any payable claims. To date, we have issued 770 Release Incomplete Notices seeking additional information from claimants who submitted incomplete or otherwise deficient Releases.

**D. Incomplete Identity Verification Documents.**

On November 21, 2012, the CACs began contacting claimants who had not provided sufficient documents for the Settlement Program to confirm their SSN, ITIN or EIN. The CACs called these claimants to ask them to provide documents such as a Social Security Card, an ITIN card, or a letter from the IRS displaying the claimant's name and EIN so we could verify the claimant's identity and proceed with reviewing the claim. To date, we have issued 4,179 Identity Verification Notices seeking information from claimants who did not provide sufficient documents for the Settlement Program to confirm their SSN, ITIN, or EIN numbers, and 959





Follow-Up Identity Verification Notices to claimants who did not respond to the initial Verification Notice.

### **III. CONCLUSION**

We offer this Report to ensure that the Court is informed of the status of the Program to date. If the Court would find additional information helpful, we stand ready to provide it at the Court's convenience.

/s/ Patrick A. Juneau  
PATRICK A. JUNEAU  
CLAIMS ADMINISTRATOR



**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing pleading has been served on All Counsel by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 12, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/EDF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 11<sup>th</sup> day of December 2012.

/s/ Patrick M. Juneau  
Claims Administrator

# **APPENDIX A**

Claims Administrator Patrick Juneau has announced that the Settlement Program began issuing payments on July 31, 2012, and has been issuing outcome Notices since July 15, 2012. The Program will issue Notices on a rolling basis as we complete reviews, and they will include Eligibility Notices, Incompleteness Notices, and Denial Notices. Each Notice will provide information explaining the outcome. We will post Notices on the secure DWH Portal for any law firm or unrepresented claimant who uses the DWH Portal. We will notify firms and unrepresented claimants by email at the end of each day if we have posted a Notice that day. Firms and unrepresented claimants may then log onto the DWH Portal to see a copy of the Notice(s). Law Firms or claimants who do not use the DWH Portal will receive Notices in the mail. Claimants who receive an Eligibility Notice and qualify for a payment will receive that payment after all appeal periods have passed, if applicable, and the claimant has submitted all necessary paperwork, including a fully executed Release and Covenant Not to Sue.

Table 1	Filings by State of Residence								
	State	Registration Forms				Claims			
		Form Begun	Form Submitted	Total	%	Form Begun	Form Submitted	Total	%
1.	Alabama	699	14,206	14,905	15%	1,442	15,334	16,776	16%
2.	Florida	1,928	35,156	37,084	37%	4,430	30,013	34,443	33%
3.	Louisiana	1,663	23,680	25,343	25%	2,784	25,457	28,241	27%
4.	Mississippi	513	11,449	11,962	12%	962	11,515	12,477	12%
5.	Texas	231	4,869	5,100	5%	734	3,638	4,372	4%
6.	Other	1,455	5,083	6,538	6%	1,039	5,945	6,984	7%
7.	<b>Total</b>	<b>6,489</b>	<b>94,443</b>	<b>100,932</b>	<b>100%</b>	<b>11,391</b>	<b>91,902</b>	<b>103,293</b>	<b>100%</b>

Chart 1: Filings by State of Residence

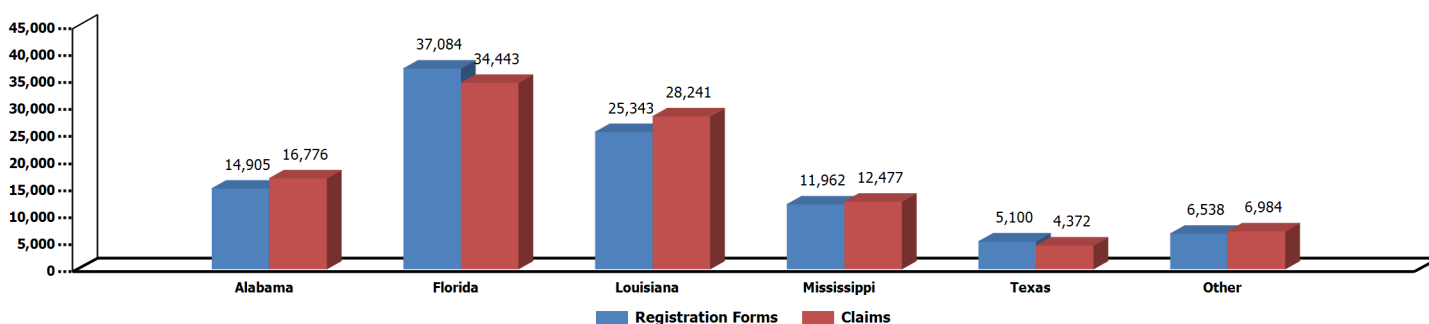


Table 2	Number of Claims by Claim Type					
	Claim Type	Claims				Unique Claimants with Form Submitted
		Form Begun	Form Submitted	Total	%	
1.	Seafood Compensation Program	785	9,671	10,456	10%	5,485
2.	Individual Economic Loss	5,859	23,821	29,680	29%	23,821
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	129	154	283	<1%	154
4.	Business Economic Loss	1,996	23,150	25,146	24%	21,197
5.	Start-Up Business Economic Loss	222	1,939	2,161	2%	1,803
6.	Failed Business Economic Loss	238	1,718	1,956	2%	1,667
7.	Coastal Real Property	821	13,426	14,247	14%	9,553
8.	Wetlands Real Property	311	2,429	2,740	3%	897
9.	Real Property Sales	184	792	976	1%	640
10.	Subsistence	617	7,072	7,689	7%	7,072
11.	VoO Charter Payment	164	7,218	7,382	7%	5,220
12.	Vessel Physical Damage	65	512	577	1%	471
13.	<b>Total</b>	<b>11,391</b>	<b>91,902</b>	<b>103,293</b>	<b>100%</b>	<b>71,178</b>

Chart 2: Number of Claims by Claim Type

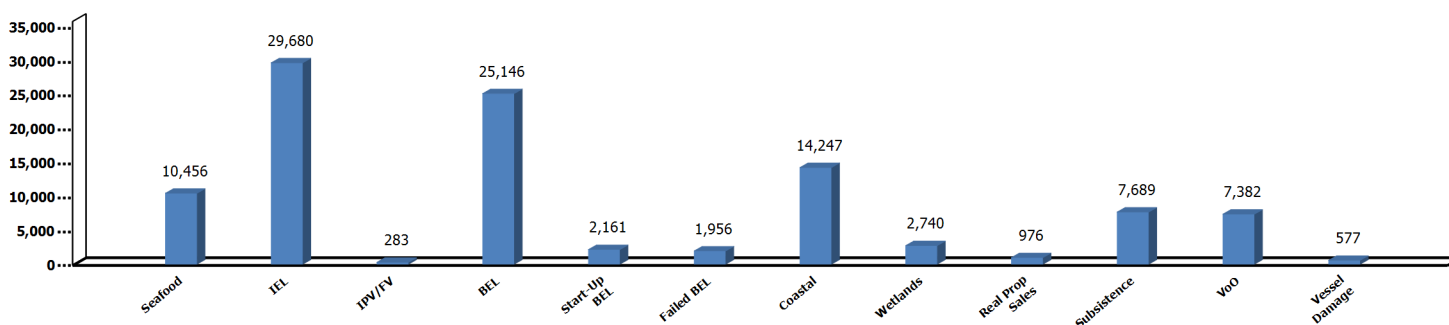


Table 3	Filings by Claimant Assistance Center								
	Claimant Assistance Center	Registration Forms				Claims			
		Form Begun	Form Submitted	Total	%	Form Begun	Form Submitted	Total	%
1.	Apalachicola, FL	21	801	822	5%	32	1,038	1,070	6%
2.	Bay St. Louis , MS	10	430	440	3%	35	489	524	3%
3.	Bayou La Batre, AL	22	607	629	4%	50	628	678	3%
4.	Biloxi , MS	37	1,589	1,626	10%	82	1,748	1,830	10%
5.	Bridge City, TX	2	189	191	1%	29	375	404	2%
6.	Clearwater, FL	66	1,693	1,759	10%	321	1,216	1,537	7%
7.	Cut Off, LA	9	375	384	2%	30	462	492	3%
8.	Fort Walton Beach , FL	12	937	949	6%	54	1,192	1,246	7%
9.	Grand Isle, LA	4	126	130	1%	7	166	173	1%
10.	Gretna/Harvey, LA	28	1,288	1,316	8%	62	1,393	1,455	8%
11.	Gulf Shores, AL	22	1,256	1,278	8%	62	1,574	1,636	9%
12.	Houma, LA	21	621	642	4%	43	713	756	4%
13.	Lafitte, LA	3	200	203	1%	11	232	243	1%
14.	Mobile, AL	35	1,986	2,021	12%	136	2,140	2,276	12%
15.	Naples, FL	24	1,056	1,080	6%	39	952	991	5%
16.	New Orleans – CBD BG, LA	9	147	156	1%	10	133	143	1%
17.	New Orleans East, LA	44	1,726	1,770	10%	117	1,918	2,035	11%
18.	Panama City Beach, FL	17	779	796	5%	75	1,124	1,199	6%
19.	Pensacola, FL	23	913	936	5%	62	1,029	1,091	6%
20.	<b>Total</b>	<b>409</b>	<b>16,719</b>	<b>17,128</b>	<b>100%</b>	<b>1,257</b>	<b>18,522</b>	<b>19,779</b>	<b>100%</b>

Chart 3: Number of Claims by Claimant Assistance Center

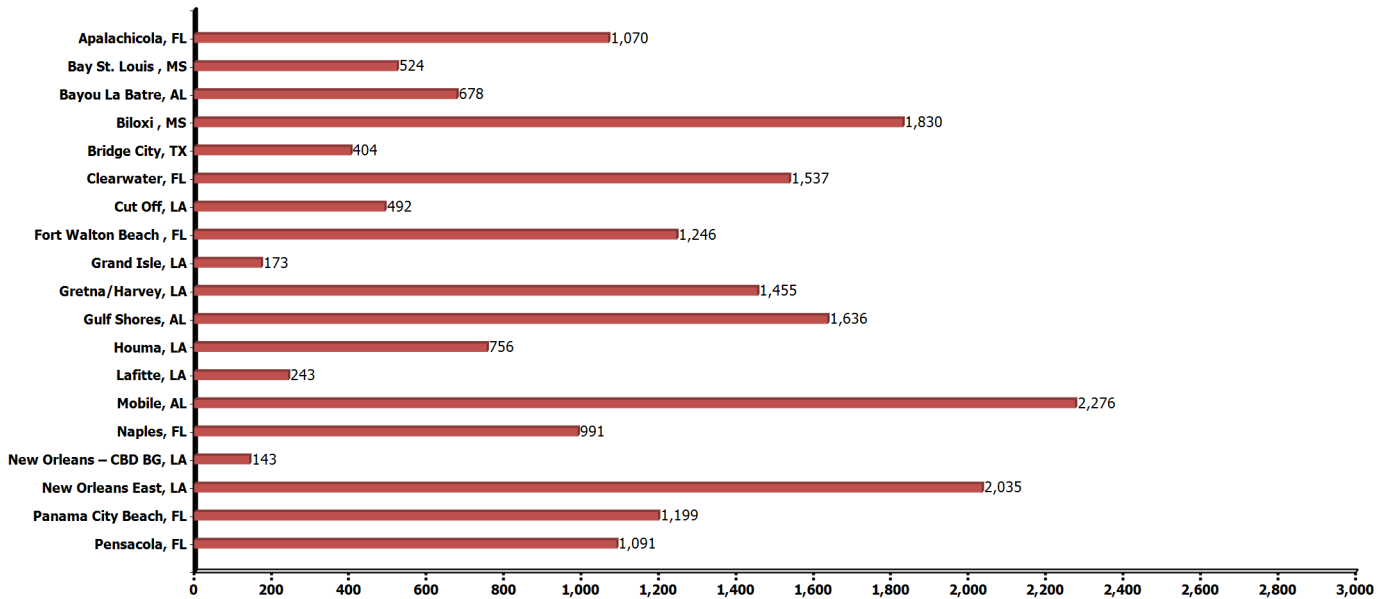


Table 4	Claim Type	Notices Issued										Total Claims Issued Notice
		Eligible - Payable	Eligible - No Payment	Incomplete	Denial					Withdrawn	Closed	
					Exclusion Denials	Prior GCCF Release	Causation Denials	Other Denials	Incomplete Denials			
1.	Seafood Compensation Program	2,371	1,012	1,988	0	516	0	36	0	14	20	5,957
2.	Individual Economic Loss	529	145	11,528	555	1,306	5	82	0	75	130	14,355
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	1	0	66	0	17	0	0	0	10	1	95
4.	Business Economic Loss	2,463	44	7,171	73	295	317	1	0	166	224	10,754
5.	Start-Up Business Economic Loss	51	1	775	7	20	14	0	0	37	36	941
6.	Failed Business Economic Loss	1	0	478	9	59	85	115	0	4	36	787
7.	Coastal Real Property	6,631	7	1,990	0	208	0	214	0	34	83	9,167
8.	Wetlands Real Property	360	0	69	1	29	0	205	0	5	8	677
9.	Real Property Sales	236	0	59	1	18	11	211	0	4	4	544
10.	Subsistence	0	0	0	0	172	0	0	0	4	13	189
11.	VoO Charter Payment	5,558	8	616	0	0	0	378	0	5	7	6,572
12.	Vessel Physical Damage	131	1	304	0	0	0	24	0	4	3	467
13.	<b>Total</b>	<b>18,332</b>	<b>1,218</b>	<b>25,044</b>	<b>646</b>	<b>2,640</b>	<b>432</b>	<b>1,266</b>	<b>0</b>	<b>362</b>	<b>565</b>	<b>50,505</b>

Table 5	Claim Type	Payment Information					
		Eligibility Notices Issued with Payment Offer		Accepted Offers		Payments Made	
		Number	Amount	Number	Amount	Number	Amount
1.	Seafood Compensation Program	2,371	\$455,411,327	1,487	\$373,758,243	1,237	\$299,118,499
2.	Individual Economic Loss	529	\$5,407,751	351	\$4,054,368	252	\$2,937,623
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	1	\$3,200	1	\$3,200	0	\$0
4.	Business Economic Loss	2,463	\$575,617,498	1,946	\$464,443,984	1,469	\$274,465,800
5.	Start-Up Business Economic Loss	51	\$11,881,026	40	\$8,906,129	33	\$6,972,482
6.	Failed Business Economic Loss	1	\$15,144	0	\$0	0	\$0
7.	Coastal Real Property	6,631	\$45,022,813	5,024	\$33,061,575	3,379	\$21,389,321
8.	Wetlands Real Property	360	\$38,932,807	265	\$36,119,465	198	\$35,018,148
9.	Real Property Sales	236	\$13,240,119	208	\$11,439,269	178	\$10,106,694
10.	Subsistence	0	\$0	0	\$0	0	\$0
11.	VoO Charter Payment	5,558	\$228,478,752	4,917	\$207,126,620	4,152	\$173,570,905
12.	Vessel Physical Damage	131	\$3,245,598	90	\$1,699,167	62	\$872,822
13.	<b>Total</b>	<b>18,332</b>	<b>\$1,377,256,036</b>	<b>14,329</b>	<b>\$1,140,612,020</b>	<b>10,960</b>	<b>\$824,452,294</b>

**Legend:**

1. Form Begun - Includes electronically filed registration or claim forms for the period of time between the moment a claimant or his attorney has initiated the submission of a form and moment they complete that filing by submitting the electronic signature. This definition also includes hard copy registration or claim forms where the DWH Intake Team is in the process of linking the scanned images and has not yet completed the data entry on that form.
2. Form Submitted - Includes electronically filed registration or claim forms after the claimant or his attorney completes the electronic signature and clicks the submit button. This definition also includes hard copy registration or claim forms where the DWH Intake Team has completed both the linking of scanned images and the data entry on that form.
3. Unique Claimants with Form Submitted - Counts the unique number of claimants with at least one Claim Form Submitted for each Claim Type. Because claimants may file claims for more than one Claim Type, the sum of all Claim Types will not equal the count of total unique claimants.
4. Notices Issued - The count of Notices Issued in Table 4 counts each unique claim issued a Notice only once. For claims issued multiple Notices, this report uses the following hierarchy when counting the claim: (1) Eligible - Payable; (2) Eligible - No Payment; (3) Denial; (4) Incomplete; (5) Withdrawn; (6) Closed.
5. Payment Information - The timing of payment can be affected by a number of factors. Even after the DHECC receives a Release, delay in receipt of a W-9, or in receipt of the Attorney Fee Acknowledgment Form can delay payment. In addition, any alterations or omissions on the Release Form, or an assertion of a third-party lien against an award amount, can delay payment. As a result, this report will show a higher number of Accepted Offers than Amounts Paid.
6. Note: The Claims Administrator continually monitors the status of all claim filings. Through this process, the Claims Administrator may find duplicate claims from the same claimant. In such cases, the Claims Administrator will close the duplicate claim and only process the remaining valid claim. This report excludes duplicate claims from all counts of claims filed.