



**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.**

**21**

**DATE**

**May 30, 2014**

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

**STATUS REPORT NO. 21, DATED MAY 30, 2014**

The Claims Administrator of the Deepwater Horizon Economic and Property Settlement Agreement (Settlement Agreement) submits this Report to inform the Court of the status of the implementation of the Settlement Agreement as of April 30, 2014. 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. Claim Submissions.**

**1. 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. The Claims Administrator’s Office and Vendors (CAO)<sup>1</sup> have received 221,287 Registration Forms and 275,443 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 Exhibit A. Additionally, claimants have begun, but not fully completed and submitted, 12,513

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<sup>1</sup> “Claims Administrator’s Office”, as used within this report, refers to the Claims Administrator and, where applicable, Court-Supervised Settlement Program vendors working with and under the Claims Administrator.

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 and the Claim Forms begun but not fully completed and submitted, 8.7% have been filed or are being filed within the Seafood Program, 17.0% have been filed or are being filed within the Individual Economic Loss (IEL) framework, and 38.8% have been filed or are being filed within the Business Economic Loss (BEL) framework (including Start-Up and Failed BEL Claims). *See* Ex. A, Table 2. Deepwater Horizon (DWH) staff at the Claimant Assistance Centers assisted in beginning and/or completing 37,102 of these Claim Forms. *See* Ex. A, Table 3.

## 2. Minors, Incompetents, and Deceased Claimants.

The table below describes the claims filed on behalf of minors, incompetents, and deceased claimants in the Settlement Program.

<b>Table 1. Minors, Incompetents, and Deceased Claimants.</b>							
		<b>Minor Claimants</b>		<b>Incompetent Claimants</b>		<b>Deceased Claimants</b>	
		<b>Total</b>	<b>Change Since Last Report</b>	<b>Total</b>	<b>Change Since Last Report</b>	<b>Total</b>	<b>Change Since Last Report</b>
<b>1.</b>	<b>Claims Filed</b>	75	+12	102	+8	532	+53
<b>2.</b>	<b>Claims Within GADL Review</b>	1	0	1	0	N/A	N/A
<b>3.</b>	<b>Eligible for Payment</b>	12	0	52	+1	187	+3
<b>4.</b>	<b>Approval Orders Filed</b>	10	+2	48	0	166	+1

## 3. Third Party Claims.

The CAO receives, processes, and pays the claims and/or liens asserted by attorneys, creditors, governmental agencies, or other third parties (Third Party Claims) against the payments to be made by the CAO to eligible claimants under the Settlement Agreement in

accordance with Court Approved Procedure Order No. 1 (as entered September 9, 2012, and amended March 11, 2013).

The CAO requires a third party claimant to submit enforcement documentation soon after the initial Third Party Claim assertion, and the CAO notifies the claimant of an Enforced Third Party Claim against a potential Settlement Payment as soon as the CAO receives sufficient documentation of such an assertion, regardless of where the underlying Settlement Program Claim is in the review process. The claimant may, but is not required to, object to the Third Party Claim at this time. After the CAO sends an Eligibility Notice to the affected Settlement Program Claimant against whom an Enforced Third Party Claim has been asserted (meaning that both the underlying claim and the Third Party Claim are payable), the CAO sends the claimant/claimant's attorney and the third party claimant a Notice of Valid Third Party Claim, and the claimant has twenty (20) days to notify the CAO of any objection to the Third Party Claim. The CAO continues to process and pay Third Party Claims as reflected in Table 2 below.

<b>Table 2. Third Party Claims.</b>							
	<b>Type of Third Party Claim ("TPC")</b>	<b>TPCs Asserted</b>	<b>TPCs Asserted Against Claimants With a DHECC ID</b>	<b>TPCs<sup>2</sup> Asserted Against Payable Claims</b>	<b>Valid TPCs Asserted Against Payable Claims</b>	<b>Claims with TPCs Paid/Ready for Payment (TPClmt)</b>	<b>Claims with TPCs Paid/Ready for Payment (Clmt)</b>
1.	<b>Attorney's Fees</b>	2,462	2,263	427	272	298	574
2.	<b>IRS Levies</b>	799	740	62	52	49	84
3.	<b>Individual Domestic Support Obligations</b>	366	231	102	78	82	107
4.	<b>Blanket State-Asserted Multiple Domestic Support Obligations</b>	4 states	N/A	N/A	N/A	0	0
5.	<b>3rd Party Lien/Writ of Garnishment</b>	926	460	43	14	7	7

<sup>2</sup> Although the CAO will not know whether a Valid TPC has been asserted against a payable claim until the Eligibility Notice goes out, the streamlined enforcement requirements allow the CAO to assess validity earlier in the process.

<b>Table 2. Third Party Claims.</b>							
	<b>Type of Third Party Claim ("TPC")</b>	<b>TPCs Asserted</b>	<b>TPCs Asserted Against Claimants With a DHECC ID</b>	<b>TPCs<sup>2</sup> Asserted Against Payable Claims</b>	<b>Valid TPCs Asserted Against Payable Claims</b>	<b>Claims with TPCs Paid/ Ready for Payment (TPClmt)</b>	<b>Claims with TPCs Paid/ Ready for Payment (Clmt)</b>
<b>6.</b>	<b>Claims Preparation/ Accounting</b>	4,508	4,315	126	88	34	43
<b>7.</b>	<b>TOTAL</b>	<b>9,061</b>	<b>8,009</b>	<b>760</b>	<b>504</b>	<b>470</b>	<b>815<sup>3</sup></b>

The CAO sends a Notice of Third Party Claim Dispute to all parties involved in a disputed Valid Third Party Claim. If the claimant and third party claimant are unable to resolve their dispute by agreement and if the dispute is over a Third Party Claim for attorney's fees or fees associated with work performed in connection with a Settlement Program Claim, the claimant and third party claimant may participate in the Court-approved Third Party Claims Dispute Resolution Process and will receive a Request for Third Party Claim Dispute Resolution Form with the Notice of Third Party Claim Dispute. To date, the CAO has sent 106 Notices of Third Party Claim Dispute to notify parties with eligible disputes that they may submit a Request Form if they are unable to resolve their dispute by agreement. Table 3 provides additional information about participation in the Third Party Claims Dispute Resolution Process.

<b>Table 3. Third Party Claims Dispute Resolution Process.</b>			
<b>Request Forms Received for Eligible Disputes</b>	<b>Records Provided to Adjudicator</b>	<b>Disputes Withdrawn</b>	<b>Final Decisions<sup>4</sup></b>
86	62	54	27

<sup>3</sup> A TPC can be asserted against one or more Settlement Program claims. Additionally, if the TPC amount is in dispute, the CAO pays the claimant the undisputed portion of the Settlement Payment. For these reasons, this total may not be equal to the total of the two preceding columns.

<sup>4</sup> Several factors impact when a Dispute is ripe for the Adjudicator to issue a Final Decision, including whether the Adjudicator has requested additional documentation or granted a Telephonic Hearing.

If the dispute is over a Third Party Claim asserted by a state or federal agency, the claimant must resolve the dispute in accordance with the applicable agency's procedures. If the dispute is over the amount of a Third Party Claim based on a final judgment of a state or federal court, the CAO must receive either a written agreement between the parties or a copy of a subsequent modifying court order in order to validate the claimant's objection; otherwise, the CAO will issue payment in satisfaction of the judgment to the third party claimant.<sup>5</sup>

To date, the CAO has removed 1,528 lien holds following parties' releasing their claims or resolving disputes.<sup>6</sup>

## **B. Claims Review.**

The CAO completed its first claim reviews and issued its first outcome notices on July 15, 2012, and its first payments on July 31, 2012. There are many steps involved in reviewing a claim so that it is ready for a notice.

### **1. Identity Verification.**

The Claimant Identity Verification review is the first step in the DWH claims review process. The Identity Verification team conducts searches based on the Taxpayer Identification Numbers (TIN) of claimants to confirm that both the claimant's name and TIN exist and correspond with each other. The Identity Verification team has initiated verifications for 195,651 claimants. Of those, the CAO has matched the TIN and claimant's name to public records databases and verified identity for 104,497 claimants from the initial query through LexisNexis and/or Dun & Bradstreet. The CAO has reviewed the remaining 91,154 claimants to determine whether claimant identity could be verified after searching for typographical errors

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<sup>5</sup> For a claimant to object to a Third Party Claim based on a final judgment, additional evidence beyond a mere objection is required for the CAO to delay or deny payment of the court-ordered debt.

<sup>6</sup> This number may fluctuate due to reassertions of released or disallowed liens.

and name changes or after reviewing official documentation from the Internal Revenue Service or Social Security Administration. Of the remaining 91,154 claimants, the CAO has verified the identity of 87,190.

If the CAO cannot verify a claimant's identity after review, but it appears that additional documentation may allow the CAO to verify the claimant's identity, the CAO issues a Verification Notice to the claimant requesting such documentation. Verification Notice types include an SSN Notice, an ITIN Notice, and an EIN Notice. The table below contains information on the number of claimants verified by the CAO during an initial Identity Verification review in addition to the type and number of TIN Verification Notices issued when the CAO could not verify identity after the initial review.

<b>Table 4. Identity Verification Review Activity.</b>					
	<b>Outcome</b>	<b>Claimants Reviewed Since Last Report</b>	<b>Monthly Percentage</b>	<b>Total Claimants Reviewed</b>	<b>Total Percentage</b>
<b>1.</b>	<b>Verified During Review</b>	2,179	61.07%	67,691	76.51%
<b>2.</b>	<b>SSN Notice Issued</b>	212	5.94%	2,923	3.30%
<b>3.</b>	<b>ITIN Notice Issued</b>	5	0.14%	442	0.50%
<b>4.</b>	<b>EIN Notice Issued</b>	1,172	32.85%	17,421	19.69%
<b>5.</b>	<b>Total Reviewed</b>	<b>3,568</b>	<b>100%</b>	<b>88,477</b>	<b>100%</b>

The CAO reviews the documentation that claimants submit in response to the Verification Notice to determine whether it is sufficient to verify identity. The table below contains information on the number of Verification Notices issued, the number of claimants whose identities the CAO has verified after claimant response to the Notice, and the average time in days for claimants to provide documentation sufficient to verify the claimant's identity after the CAO issued the Notice.

<b>Table 5. Identity Incompleteness Activity.</b>					
	<b>Notice Type</b>	<b>Notices Issued</b>	<b>Number Cured</b>	<b>Percentage Cured</b>	<b>Days to Cure</b>
<b>1.</b>	<b>SSN Notice</b>	2,923	2,162	73.97%	52
<b>2.</b>	<b>ITIN Notice</b>	442	376	85.07%	31
<b>3.</b>	<b>EIN Notice</b>	17,421	13,838	79.43%	32
<b>4.</b>	<b>Total Issued</b>	<b>20,786</b>	<b>16,376</b>	<b>78.78%</b>	<b>38</b>

When a claimant submits a Subsistence claim stating that he or she fished or hunted to sustain his or her basic personal and/or family's dietary needs, the CAO verifies the identities of the claimed family members. To do so, the CAO attempts to match each claimed family member's name and TIN to ensure that the family member exists and that the family member was not deceased prior to or at the time of the Spill or is not an overlapping dependent already identified. The CAO first attempts to match each family member's name and TIN to public records databases through LexisNexis. To date, the CAO has sent 49,896 family members' names and TINs, associated with 19,050 claims, to LexisNexis for verification. If a family member's identity cannot be verified through LexisNexis, the CAO reviews the claim file to determine whether the family member's identity can be verified using information contained within the file. After each family member's identity has been verified or reviewed, the Subsistence team reviews the claim to determine eligibility for payment.

<b>Table 6. Subsistence Family Member Identity Verification Activity.</b>					
		<b>Awaiting Review</b>	<b>Change from Last Report</b>	<b>Reviewed</b>	<b>Change from Last Report</b>
<b>1.</b>	<b>Number of Claims</b>	388	388	7,965	339
<b>2.</b>	<b>Number of Family Members</b>	1,484	1,484	33,549	2,209

## **2. Employer Verification Review (EVR).**

The EVR process ensures that all employees of the same business are treated uniformly and that each business is placed in the proper Zone. The review also walks through the analysis



necessary to assign the proper NAICS code to a business. The EVR team has completed the EVR analysis for 225,789 businesses and rental properties.

From April 1, 2014, through April 30, 2014, the team completed the EVR process for 4,497 businesses and rental properties. The CAO identified an average of 182 new businesses and rental properties to review per day and completed the EVR review for an average of 150 businesses and rental properties per day. The CAO continues to review new businesses and rental properties on a first-in, first-out basis.

### 3. Exclusions.

The Exclusions review process ensures that claims and claimants excluded under the Settlement Agreement are appropriately denied. The Exclusions team guides the reviewers and the EVR team when questions arise during the Exclusion review. Table 7 below shows the number of Denial Notices issued to date for each Exclusion Reason and the team responsible for making such a determination.

<b>Table 7. Exclusions.</b>				
	<b>Exclusion Reason</b>	<b>Team Responsible</b>	<b>Denial Notices Since Last Report</b>	<b>Total Denial Notices</b>
<b>1.</b>	<b>GCCF Release</b>	<b>Exclusions</b>	77	7,528
<b>2.</b>	<b>BP/MDL 2179 Defendant</b>		3	363
<b>3.</b>	<b>US District Court for Eastern District of LA</b>		0	22
<b>4.</b>	<b>Not a Member of the Economic Class</b>	<b>Claims Reviewers</b>	0	230
<b>5.</b>	<b>Bodily Injury</b>		0	6
<b>6.</b>	<b>BP Shareholder</b>		0	8
<b>7.</b>	<b>Transocean/Halliburton Claim</b>		0	0
<b>8.</b>	<b>Governmental Entity</b>	<b>Claims Reviewers/ EVR</b>	7	785
<b>9.</b>	<b>Oil and Gas Industry</b>		15	1,008
<b>10.</b>	<b>BP-Branded Fuel Entity</b>		0	42
<b>11.</b>	<b>Menhaden Claim</b>	<b>EVR</b>	0	18
<b>12.</b>	<b>Financial Institution</b>		0	257

<b>Table 7. Exclusions.</b>				
	<b>Exclusion Reason</b>	<b>Team Responsible</b>	<b>Denial Notices Since Last Report</b>	<b>Total Denial Notices</b>
13.	<b>Gaming Industry</b>		1	722
14.	<b>Insurance Industry</b>		2	186
15.	<b>Defense Contractor</b>		5	378
16.	<b>Real Estate Developer</b>		7	233
17.	<b>Trust, Fund, Financial Vehicle</b>		1	15
18.	<b>Total Denial Notices from Exclusions</b>		<b>118</b>	<b>11,801</b>

#### 4. Claimant Accounting Support Reviews.

A special team handles Claimant Accounting Support (CAS) reviews. CAS reimbursement is available under the Settlement Agreement for IEL, BEL, and Seafood claims. After a claim has been determined to be payable and the Compensation Amount has been calculated, the CAS team reviews accounting invoices and CAS Sworn Written Statements submitted by the claimant. Table 8 includes information on the number of CAS reviews the CAO has completed to date, whether the Accounting Support documentation was complete, and the dollar amounts reimbursed for each Claim Type.

<b>Table 8. Claimant Accounting Support Reviews.</b>									
	<b>Claim Type</b>	<b>CAS Review Result</b>				<b>Total CAS Reviews</b>		<b>CAS \$ Amount Reimbursed</b>	
		<b>Complete</b>		<b>Incomplete</b>		<b>Since Last Report</b>	<b>Total to Date</b>	<b>Since Last Report</b>	<b>Total to Date</b>
		<b>Since Last Report</b>	<b>Total to Date</b>	<b>Since Last Report</b>	<b>Total to Date</b>				
1.	<b>BEL</b>	69	10,504	11	1,049	80	11,553	\$0.00	\$15,628,756.96
2.	<b>IEL</b>	137	2,845	18	439	155	3,284	\$16,265.72	\$350,360.63
3.	<b>Seafood</b>	9	3,877	2	779	11	4,656	\$6,627.17	\$1,570,646.16
4.	<b>TOTAL</b>	<b>215</b>	<b>17,226</b>	<b>31</b>	<b>2,267</b>	<b>246</b>	<b>19,493</b>	<b>\$22,892.89</b>	<b>\$17,549,763.75</b>

## 5. Quality Assurance Review.

The Quality Assurance (QA) process addresses three fundamental needs of the Settlement Program: (a) it ensures that all claims reviewed within the system environment are reviewed in accordance with the provisions of the Settlement Agreement by targeting anomalous claim results through data metrics analysis; (b) it provides a mechanism to monitor reviewer performance and the tools necessary to efficiently and effectively provide feedback to reviewers; and (c) it identifies areas of review resulting in high discrepancy rates that require retraining or refined review procedures and data validations.

The CAO has implemented a reviewer follow-up process for all claim types reviewed within the system environment. The CAO provides daily follow-up to reviewers in the event a QA review of a particular claim produces a result different than that of the original review. The CAO also has a report that identifies specific reviewers who may require retraining and reveals whether there are issues that warrant refresher training for all reviewers. Table 9 shows, by Claim Type, the number of claims identified for QA review through the system of record database QA process, as well as the number of QA reviews that have been completed, the number in progress, and the number awaiting review.

<b>Table 9. Quality Assurance Reviews.<sup>7</sup></b>							
	<b>Claim Type</b>	<b>Total Claims Needing QA To Date</b>	<b>QA Reviews Completed</b>	<b>% of QA Reviews Completed</b>	<b>QA Reviews in Progress</b>	<b>Claims Awaiting QA Review</b>	<b>QA Reviews Completed Since Last Report</b>
<b>1.</b>	<b>Seafood</b>	25,267	25,126	99%	106	35	50
<b>2.</b>	<b>IEL</b>	29,319	27,545	94%	805	969	750

<sup>7</sup> Table 9 only includes system generated data that arise from quality assurance reviews of initial claim reviews that are performed within the confines of the system environment. Separate from the initial claim review, there are numerous ancillary steps within the overall claim review process in which quality assurance activities and measures are performed outside of the system environment.

**Table 9. Quality Assurance Reviews.<sup>7</sup>**

	<b>Claim Type</b>	<b>Total Claims Needing QA To Date</b>	<b>QA Reviews Completed</b>	<b>% of QA Reviews Completed</b>	<b>QA Reviews in Progress</b>	<b>Claims Awaiting QA Review</b>	<b>QA Reviews Completed Since Last Report</b>
<b>3.</b>	<b>BEL</b>	26,206	24,910	95%	205	1,091	389
<b>4.</b>	<b>Start-Up BEL</b>	2,088	2,022	97%	10	56	36
<b>5.</b>	<b>Failed BEL</b>	2,117	2,066	98%	8	43	22
<b>6.</b>	<b>Coastal RP</b>	20,703	20,619	100%	7	77	178
<b>7.</b>	<b>RPS</b>	863	863	100%	0	0	23
<b>8.</b>	<b>VoO</b>	7,849	7,846	100%	0	3	41
<b>9.</b>	<b>Subsistence</b>	37,421	24,098	64%	1,029	12,294	1,010
<b>10.</b>	<b>Wetlands RP</b>	4,465	4,416	99%	39	10	169
<b>11.</b>	<b>VPD</b>	1,473	1,467	100%	2	4	36
<b>12.</b>	<b>TOTAL</b>	<b>157,771</b>	<b>140,978</b>	<b>89%</b>	<b>2,211</b>	<b>14,582</b>	<b>2,704</b>

#### **6. Claim Type Review Details.**

Table 10 provides information, by Claim Type, on the number of claims filed, the number of claims that have been reviewed to Notice, the number of claims remaining to be reviewed to Notice, and the number of claims reviewed to either a Notice or “Later Notice” to date. Table 10 divides the claims reviewed to a “Later Notice” into separate sections: (1) claims receiving a Notice based on CAO review following the submission of additional materials by a claimant in response to an Incompleteness Notice, and (2) claims receiving a Notice following a Reconsideration review conducted by the CAO.

**Table 10. Throughput Analysis of Claims Filed and Notices Issued.****A. Claims Reviewed to First Notice**

	Claim Type	Status of All Claims Filed					Productivity From 4/1/14 Through 4/30/14			
		Total Claims Filed To Date	Reviews Completed to Notice or Closed		Claims Remaining to Review		New Claims Filed	Avg. Daily Claims Filed	Reviews Completed to First Notice	Avg. Daily Reviews to First Notice
1.	Seafood	24,681	24,336	99%	345	1%	48	2	37	1
2.	IEL	42,381	37,575	89%	4,806	11%	1,385	46	808	27
3.	IPV/FV	280	256	91%	24	9%	7	<1	2	<1
4.	BEL	99,449	52,039	52%	47,410	48%	4,243	141	2,260	75
5.	Start-Up BEL	5,416	3,854	71%	1,562	29%	150	5	81	3
6.	Failed BEL	3,670	2,812	77%	858	23%	119	4	37	1
7.	Coastal RP	35,367	34,231	97%	1,136	3%	853	28	582	19
8.	Wetlands RP	15,608	5,780	37%	9,828	63%	1,496	50	169	6
9.	RPS	1,604	1,559	97%	45	3%	56	2	62	2
10.	Subsistence	36,811	12,871	35%	23,940	65%	1,093	36	280	9
11.	VoO	8,744	8,671	99%	73	1%	35	1	26	<1
12.	VPD	1,432	1,389	97%	43	3%	8	<1	9	<1
13.	<b>TOTAL</b>	<b>275,443</b>	<b>185,373</b>	<b>67%</b>	<b>90,070</b>	<b>33%</b>	<b>9,493</b>	<b>316</b>	<b>4,353</b>	<b>145</b>

**B. Claims Reviewed to Later Notice**

	Claim Type	Initial or Preliminary Incompleteness Response			Follow-Up Incompleteness Responses			Requests for Reconsideration		
		Total Responses	Claims with Later Notice	Remaining Claims	Total Responses	Claims with Later Notice	Remaining Claims	Total Requests	Claims with Later Notice	Remaining Claims
1.	Seafood	5,911	5,407	504	2,819	2,562	257	3,668	3,361	307
2.	IEL	16,422	14,064	2,358	7,956	6,427	1,529	4,946	4,281	665
3.	IPV/FV	89	86	3	34	33	1	38	36	2
4.	BEL	28,224	16,690	11,534	10,993	4,752	6,241	3,914	2,663	1,251
5.	Start-Up BEL	2,227	1,637	590	1,320	638	682	423	265	158
6.	Failed BEL	965	753	212	602	303	299	436	314	122
7.	Coastal RP	5,246	5,092	154	1,484	1,416	68	1,790	1,734	56
8.	Wetlands RP	378	262	116	81	58	23	496	389	107
9.	RPS	283	272	11	95	74	21	187	186	1
10.	Subsistence	5,507	1,247	4,260	1,297	202	1,095	295	117	178

**Table 10. Throughput Analysis of Claims Filed and Notices Issued.**

	<b>Claim Type</b>	<b>Total Responses</b>	<b>Claims with Later Notice</b>	<b>Remaining Claims</b>	<b>Total Responses</b>	<b>Claims with Later Notice</b>	<b>Remaining Claims</b>	<b>Total Requests</b>	<b>Claims with Late Notice</b>	<b>Remaining Claims</b>
<b>11.</b>	<b>VoO</b>	925	912	13	389	374	15	622	614	8
<b>12.</b>	<b>VPD</b>	778	739	39	352	333	19	244	230	14
<b>13.</b>	<b>TOTAL</b>	<b>66,955</b>	<b>47,161</b>	<b>19,794</b>	<b>27,422</b>	<b>17,172</b>	<b>10,250</b>	<b>17,059</b>	<b>14,190</b>	<b>2,869</b>

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

#### **1. Notices and Payments.**

Tables 4 and 5 of the Public Report attached in Exhibit A provide detail on the notices and payments issued to date. As of April 30, 2014, the CAO has issued 65,728 Eligibility Notices to unique claims with Payment Offers totaling \$5.01 billion. As of that date, the CAO has made over \$3.87 billion in payments on 58,630 claims.<sup>8</sup>

#### **2. Claimants in Bankruptcy.**

The CAO reviews each claimant who indicates an open bankruptcy on the Registration Form (Debtor Claimant) to determine whether the claimant has submitted sufficient documentation from the applicable bankruptcy court to issue payment. If the CAO determines that the claimant is not a Debtor Claimant per the Procedure for Disposition of Claims by Claimants in Bankruptcy (Proc-445), or if the claimant submits sufficient documentation for the CAO to issue payment on all active claims, the CAO will remove the Bankruptcy Hold. Table 11 provides information about the status of claimants identified as Debtor Claimants, including information on notices issued to those claimants.

<sup>8</sup> The Court-ordered injunction addressing revenue and expense matching and causation issues has affected the number of Eligibility Notices with payment offers and payments issued. See section I.E for additional information on the injunction.

<b>Table 11. Claimants in Bankruptcy.</b>			
<b>1.</b>	<b>Identified Claimants in Bankruptcy</b>	<b>Total</b>	<b>Change Since Last Report</b>
<b>(a)</b>	<b>Claimants with Active Bankruptcy Holds</b>	1,886	+54
<b>(b)</b>	<b>Claimants with Removed Bankruptcy Holds</b>	947	+27
<b>2.</b>	<b>Bankruptcy Notices Issued</b>	<b>Total</b>	<b>Change Since Last Report</b>
<b>(a)</b>	<b>Representative of Claimant in Bankruptcy Notices</b>	333	+6
<b>(b)</b>	<b>Bankruptcy Trustee Communication Notices</b>	67	+1
<b>(c)</b>	<b>Bankruptcy Trustee Informational Notices</b>	56	+6

On March 25, 2014, the CAO re-issued the Procedure for Disposition of Claims by Claimants in Bankruptcy (Proc-445) to Class Counsel and BP for comment. The revised version of the Procedure modifies the protocol for determining which claimants are subject to the Procedure and clarifies which documents a Debtor Claimant must submit for the CAO to issue payment. The Procedure also contains a revised notice issued to Debtor Claimants, which explains why the claimant is subject to additional procedures and which documents the claimant must submit to receive payment. On March 26, 2014, Class Counsel deferred to the CAO's decision on the Procedure. BP proposed edits and offered comments, deferring to the CAO's decision as well, on April 6, 2014.<sup>9</sup>

#### **D. Re-Reviews, Reconsiderations, and Appeals.**

##### **1. Re-Reviews and Outcomes.**

The CAO implemented a Re-Review process beginning on January 18, 2013, that provides claimants with the opportunity to request a Re-Review of their claim within 30 days of the issuance of an Eligibility or Denial Notice if the claimant has additional documentation not previously submitted to support its claim. Following a Re-Review, claimants receive a Post Re-Review Notice, from which they may then request Reconsideration if they wish. To date, there

<sup>9</sup> While as of April 30, 2014 the CAO was reviewing BP's proposed edits and comments, Proc-445 was approved as a Claims Administrator Decision on May 7, 2014.

have been 68,232 Eligibility, Denial, or Incompleteness Denial Notices issued from which claimants can or could seek Re-Review. Of those, 717 are still within the 30 day window to seek Re-Review and Re-Review has not yet been requested, leaving 67,515 claims for which the window to seek Re-Review has passed. Of those, claimants have requested Re-Review of 4,780 claims. Thus, the rate of Re-Review from all final determinations is 7.1%. The rate of Re-Review from Eligibility Notices is 4.3%, while the rate of Re-Review from Denial and Incompleteness Denial Notices is 13.8%.

Table 12 summarizes the Re-Reviews the CAO has completed, the number of Post Re-Review Notices the CAO has issued, and whether the outcome of the Re-Review resulted in an award that was higher than (↑), lower than (↓), or the same as (↔) the outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Re-Review.

<b>Table 12. Re-Reviews.</b>					
<b>A. Re-Review Requests and Reviews</b>					
	Claim Type	Requests Received To Date	Reviews Completed To Date		
			Total	Completed Since Last Report	Average Weekly Reviews
1.	Seafood	817	791	0	12
2.	IEL	725	679	31	11
3.	IPV/FV	11	11	1	<1
4.	BEL	1,526	1,374	8	21
5.	Start-Up BEL	116	102	0	2
6.	Failed BEL	149	134	3	2
7.	Coastal RP	855	852	18	13
8.	Wetlands RP	289	280	10	4
9.	RPS	81	81	0	1
10.	Subsistence	106	80	9	1
11.	VoO	57	57	0	<1
12.	VPD	48	45	3	<1
13.	<b>TOTAL</b>	<b>4,780</b>	<b>4,486</b>	<b>83</b>	<b>70</b>



<b>Table 12. Re-Reviews.</b>								
<b>B. Re-Review Notices Issued</b>								
	Claim Type	Notices Issued		Outcome of Re-Review Notice				
		Total Issued to Date	Weekly Average	Compensation Amount for Eligible Claims			Exclusions/Denials	
				↑	↓	↔	Confirmed	Overtured
<b>1.</b>	<b>Seafood</b>	725	11	391	28	217	86	3
<b>2.</b>	<b>IEL</b>	611	10	146	50	205	205	5
<b>3.</b>	<b>IPV/FV</b>	11	<1	0	0	0	11	0
<b>4.</b>	<b>BEL</b>	1,038	16	253	46	83	647	9
<b>5.</b>	<b>Start-Up BEL</b>	69	1	16	3	5	44	1
<b>6.</b>	<b>Failed BEL</b>	101	2	1	2	0	98	0
<b>7.</b>	<b>Coastal RP</b>	791	12	43	5	104	612	27
<b>8.</b>	<b>Wetlands RP</b>	211	3	9	2	15	184	1
<b>9.</b>	<b>RPS</b>	45	<1	1	0	2	42	0
<b>10.</b>	<b>Subsistence</b>	44	<1	8	4	4	28	0
<b>11.</b>	<b>VoO</b>	56	<1	7	5	17	25	2
<b>12.</b>	<b>VPD</b>	42	<1	19	0	11	11	1
<b>13.</b>	<b>TOTAL</b>	<b>3,744<sup>10</sup></b>	<b>59</b>	<b>894</b>	<b>145</b>	<b>663</b>	<b>1,993</b>	<b>49</b>

## 2. Reconsideration Reviews and Outcomes.

To date, there have been 130,976 Eligibility, Denial, or Incompleteness Denial Notices issued from which claimants can or could seek Reconsideration. Of those, 1,371 are still within the 30 day window to seek Reconsideration and Reconsideration has not yet been requested, leaving 129,605 claims for which the window to seek Reconsideration has passed. Of those, claimants have requested Reconsideration of 17,059 claims. Thus, the rate of Reconsideration from all final determinations is 13.2%. The rate of Reconsideration from Eligibility Notices is 5.5%, while the rate of Reconsideration from Denial and Incompleteness Denial Notices is 22.1%. Table 13 summarizes the Reconsiderations the CAO has completed, the number of Post-

<sup>10</sup> The number of Notices issued is fewer than the number of reviews completed because there is a 36-hour lag between the time when the review is completed and the time when the Notice is issued.

Reconsideration Notices the CAO has issued, and whether the outcome of the Reconsideration review resulted in an award that was higher than (↑), lower than (↓), or the same as (↔) the outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Reconsideration.

<b>Table 13. Reconsideration.</b>					
<b>A. Reconsideration Requests and Reviews</b>					
	Claim Type	Requests Received To Date	Reviews Completed To Date		
			Total	Completed Since Last Report <sup>11</sup>	Average Weekly Reviews
1.	Seafood	3,668	3,480	28	41
2.	IEL	4,946	4,630	206	55
3.	IPV/FV	38	36	2	<1
4.	BEL	3,914	3,444	56	41
5.	Start-Up BEL	423	367	-1	4
6.	Failed BEL	436	397	1	5
7.	Coastal RP	1,790	1,755	28	21
8.	Wetlands RP	496	455	4	5
9.	RPS	187	186	2	2
10.	Subsistence	295	169	14	2
11.	VoO	622	619	3	7
12.	VPD	244	239	2	3
13.	<b>TOTAL</b>	<b>17,059</b>	<b>15,777</b>	<b>345</b>	<b>187</b>

<sup>11</sup> Instances in which negative values are reported arise when the number of claims re-entering the Reconsideration Review process following a quality assurance check is greater than the number of claims that complete the Reconsideration Review process within the reported month.

**Table 13. Reconsideration.****B. Reconsideration Notices Issued**

	Claim Type	Notices Issued		Outcome of Reconsideration Notice				
		Total Issued to Date	Weekly Average	Compensation Amount for Eligible Claims			Exclusions/Denials	
				↑	↓	↔	Confirmed	Overturned
<b>1.</b>	<b>Seafood</b>	3,361	38	785	103	474	1,686	313
<b>2.</b>	<b>IEL</b>	4,281	48	416	35	108	2,723	999
<b>3.</b>	<b>IPV/FV</b>	36	<1	0	0	0	34	2
<b>4.</b>	<b>BEL</b>	2,663	30	415	31	191	1,063	963
<b>5.</b>	<b>Start-Up BEL</b>	265	3	19	2	12	80	152
<b>6.</b>	<b>Failed BEL</b>	314	4	8	0	0	239	67
<b>7.</b>	<b>Coastal RP</b>	1,734	19	103	17	379	1,028	207
<b>8.</b>	<b>Wetlands RP</b>	389	4	21	1	31	314	22
<b>9.</b>	<b>RPS</b>	186	2	1	0	3	168	14
<b>10.</b>	<b>Subsistence</b>	117	1	2	0	1	104	10
<b>11.</b>	<b>VoO</b>	614	7	59	4	122	373	56
<b>12.</b>	<b>VPD</b>	230	3	50	2	17	95	66
<b>13.</b>	<b>TOTAL</b>	<b>14,190<sup>12</sup></b>	<b>159</b>	<b>1,879</b>	<b>195</b>	<b>1,338</b>	<b>7,907</b>	<b>2,871</b>

**3. Appeals.****(a) BP Appeals.**

To date, the CAO has issued 18,888 Eligibility Notices that meet or exceed the threshold amount rendering them eligible for appeal by BP. Of those, 26 Notices are still within the timeframe in which BP can file an appeal and BP has not yet done so, leaving 18,862 Notices that BP has either appealed or for which the deadline for BP to file an appeal has passed. Of those 18,862 Notices, BP has filed 3,940 appeals, a 20.9% appeal rate. However, out of the 3,940 Notices BP has appealed, BP has subsequently withdrawn 272 of those appeals, while another 1,332 have been resolved for a compensation amount the same as or greater than that in the pre-Appeal Eligibility Notice (excluding the 5% compensation increase that a claimant who

<sup>12</sup> The number of Notices issued is fewer than the number of reviews completed because there is a 36-hour lag between the time when the review is completed and the time when the Notice is issued.

prevails upon appeal receives). Thus, out of the 3,940 Notices BP has appealed, 1,604 have either been withdrawn or resolved for a compensation amount the same as or greater than that in the Eligibility Notice. Removing those 1,604 Notices from the 3,940 Notices BP has appealed provides a more representative and indicative “rate of disagreement” of 12.4%. Table 14 provides summary information on the status of BP appeals.

<b>Table 14. Status of BP Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report<sup>13</sup></b>	<b>Total</b>
<b>1.</b>	<b>BP Appeals Filed</b>	<b>3,928</b>	<b>12</b>	<b>3,940</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>2,435</b>	<b>12</b>	<b>2,447</b>
(a).	Resolved by Panel decision	1,513	12	1,525
(b).	Resolved by parties	387	1	388
(c).	Remand to Claims Administrator	120	1	121
(d).	Administratively Closed	8	0	8
(e).	Withdrawn	272	0	272
(f).	Inactive Under Reconsideration/Re-Review	135	-2	133
<b>B. Pending Appeals</b>				
<b>1.</b>	<b>In Pre-Panel Baseball Process</b>			<b>1,269</b>
<b>2.</b>	<b>Currently Before Panel</b>			<b>94</b>
<b>3.</b>	<b>Under Discretionary Review</b>			<b>130</b>
<b>4.</b>	<b>TOTAL PENDING<sup>14</sup></b>			<b>1,493</b>

**(b) Claimant Appeals.**

Before a claimant may file an appeal, the claimant must request Reconsideration and receive a Post-Reconsideration Eligibility or Denial Notice. To date, the CAO has issued 7,377 Post-Reconsideration Eligibility and Denial Notices. Of those, 95 Notices are still within the timeframe in which the claimant can file an appeal and the claimant has not yet done so, leaving

<sup>13</sup> Negative values may occasionally appear in this table. These reflect instances such as when a claimant in the Reconsideration/Re-Review process withdraws his or her Reconsideration/Re-Review request, making the previously operative BP appeal active again.

<sup>14</sup> This includes 1,399 appeals that are on court-ordered hold for BEL matching. (See part E, *infra*).

7,282 Notices that the claimant has either appealed or for which the deadline for the claimant to file an appeal has passed. Of those 7,282 Notices, claimants have filed 1,305 appeals, a 17.9% appeal rate. Of the 1,305 claimant appeals, 796 are appeals of Post-Reconsideration Denial Notices, while 509 are appeals of Post-Reconsideration Eligibility Notices. Table 15 provides summary information on the status of Claimant Appeals.

<b>Table 15. Status of Claimant Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Claimant Appeals Filed</b>	<b>1,284</b>	<b>21</b>	<b>1,305</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>893</b>	<b>77</b>	<b>970</b>
(a).	Resolved by Panel decision	728	60	788
(b).	Resolved by parties	74	6	80
(c).	Remand to Claims Administrator	25	4	29
(d).	Administratively Closed	32	8	40
(e).	Withdrawn	34	-1	33
<b>A. Pending Appeals</b>				
<b>1.</b>	<b>In Pre-Panel Baseball Process</b>		<b>70</b>	
<b>2.</b>	<b>In Pre-Panel Non-Baseball Process</b>		<b>87</b>	
<b>3.</b>	<b>Currently Before Panel</b>		<b>107</b>	
<b>4.</b>	<b>Under Discretionary Review</b>		<b>71</b>	
<b>5.</b>	<b>TOTAL PENDING<sup>15</sup></b>		<b>335</b>	

**(c) Resolved Appeals.**

As reported in the tables above, 3,417 appeals have been resolved. Table 16 provides a summary of these resolved appeals by Claim Type. The comparison between the Post-Appeal award amount and the award amount within the original notice does not take into consideration the 5% increase in compensation that a claimant who prevails upon appeal receives.

<sup>15</sup> This includes six appeals that are on court-ordered hold for BEL matching. (See part E, infra).

<b>Table 16. Outcome After Appeal.</b>											
<b>Claim Type</b>		<b>Appeals Settled or Decided by Panel</b>						<b>Withdrawn</b>	<b>Admin. Closed</b>	<b>Inactive Under Recon./ Re-Review</b>	<b>Total</b>
		<b>Compensation Amount Following Appeal Compared to That of Original Notice</b>									
		<b>Higher</b>	<b>Lower</b>	<b>Same</b>	<b>Denial Upheld</b>	<b>Denial Over-turned</b>	<b>Remand</b>				
<b>1.</b>	<b>BEL</b>	56	463	1,148	159	48	81	201	7	105	2,268
<b>2.</b>	<b>IEL</b>	20	43	68	54	9	32	10	17	4	257
<b>3.</b>	<b>Seafood</b>	64	19	140	39	2	20	49	7	8	348
<b>4.</b>	<b>Wetlands RP</b>	3	1	4	33	2	0	3	2	16	64
<b>5.</b>	<b>Coastal RP</b>	35	1	20	67	5	1	6	6	0	141
<b>6.</b>	<b>RPS</b>	0	4	7	34	0	0	2	1	0	48
<b>7.</b>	<b>VoO</b>	16	31	44	50	18	5	26	4	0	194
<b>8.</b>	<b>IPV</b>	0	0	0	1	1	0	0	1	0	3
<b>9.</b>	<b>VPD</b>	1	27	29	15	0	11	8	0	0	91
<b>10.</b>	<b>Subsistence</b>	0	0	0	0	0	0	0	3	0	3
<b>11.</b>	<b>Total</b>	<b>195</b>	<b>589</b>	<b>1,460</b>	<b>452</b>	<b>85</b>	<b>150</b>	<b>305</b>	<b>48</b>	<b>133</b>	<b>3,417</b>

**(d) Incompleteness Appeals.**

The Appeal for Insufficient Documentation (Incompleteness Appeal) allows Economic Class Members to have their claims reviewed by a separate Documentation Reviewer when the CAO denies their claims because of insufficient documentation. The Documentation Reviewer reviews the claimant's documentation to determine whether the Program correctly denied the claim.

Before sending the claim to the Documentation Reviewer, the CAO reviews the appeal request along with any newly submitted documents. If the claimant has submitted the requested documentation and cured the incompleteness, the CAO issues the appropriate Notice. If the claimant still has not submitted the requested documentation, the CAO sends the claim to the Documentation Reviewer for review.

Before a claimant may file an appeal of an Incompleteness Denial, the claimant must request Reconsideration and receive a Post-Reconsideration Incompleteness Denial Notice. To date, the CAO has issued 3,923 Post-Reconsideration Incompleteness Denial Notices. Of those, 65 Notices are still within the timeframe in which the claimant can file an appeal, leaving 3,858 Notices for which the claimant's appeal deadline has passed. Of the 3,923 Notices eligible for appeal, 1,884 (48.0%) appeal requests have been filed. Table 17 provides summary information on the status of Incompleteness Appeals.

<b>Table 17. Incompleteness Appeals.</b>				
<b>A. Incompleteness Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Incompleteness Appeals Filed</b>	<b>1,822<sup>16</sup></b>	<b>62</b>	<b>1,884</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>1,410</b>	<b>121</b>	<b>1,531</b>
(a).	Withdrawn/Closed Claims	4	0	4
(b).	Cured	183	29	212
(c).	Incompleteness Denial Affirmed	1,190	89	1,279
(d).	Incompleteness Denial Overturned	33	3	36
<b>B. Pending Incompleteness Appeals</b>				
<b>3.</b>	<b>In Pre-Documentation Reviewer Process</b>		<b>342</b>	
<b>4.</b>	<b>Currently Before Documentation Reviewer</b>		<b>11</b>	
<b>5.</b>	<b>TOTAL PENDING</b>		<b>353</b>	

As reported in Table 17 above, 1,531 Incompleteness Appeals have been resolved.

#### **E. Court-Ordered BEL Claim Suspension.**

BP appealed the District Court's order, issued on March 5, 2013, that affirmed the Claims Administrator's interpretation of the Settlement Agreement that the BEL framework does not require the matching of revenues and expenses within claimant-submitted profit and loss

<sup>16</sup> The number of Incompleteness Appeals Filed As of Last Report is greater than the Total figure appearing in the April Report because of a lag between the time when a document containing an appeal request is received by the Program and the time when that document is reviewed by the Program to identify that appeal request.

statements. On October 2, 2013, the Fifth Circuit Court of Appeals reversed the District Court's ruling and remanded the case to the District Court for further consideration. The District Court immediately entered an order to suspend the issuance of any final determination notices or payments on all BEL claims, including Start-Up and Failed BEL claims, until the Court could create an appropriately narrowly-tailored preliminary injunction. In the months following, the Court has reviewed the issue of matching revenues and expenses as well as issues concerning causation.

**1. Preliminary Injunction Continuing BEL Claim Suspension.**

As required by the October 18, 2013 preliminary injunction, the Claims Administrator provided the District Court with a declaration outlining the criteria that the CAO would use to determine whether a BEL claim is supported by sufficiently-matched, accrual-basis accounting. On November 12, 2013, the CAO resumed issuing Incompleteness Notices to BEL claims. The CAO added language to all BEL Incompleteness Notices to inform claimants that additional information regarding the issue of matching revenues and expenses may be required at a later point in the review process.

After the District Court issued its preliminary injunction, BP filed an emergency motion objecting to the District Court's holding that causation was not an issue that the Court would address on remand. On December 2, 2013, the Fifth Circuit remanded the issue of causation and ordered that the District Court must address causation in its preliminary injunction. In response to the Fifth Circuit's ruling, the District Court issued an amended preliminary injunction on December 5, 2013, that ordered the CAO to temporarily suspend the issuance of final determination notices and payments to BEL claims until the Court resolves the BEL issues that are the subject of the pending remand.



On December 24, 2013, the District Court addressed the issues that the Fifth Circuit had placed on remand. It reversed its previous holding that the Settlement Agreement does not require the matching of revenues and expenses, and remanded the matter to the CAO with instructions to adopt and implement an appropriate protocol or policy for handling BEL claims in which the claimant's financial records do not match revenues with corresponding variable expenses. Further, the District Court found that whether a business economic loss is "as a result of" the Deepwater Horizon Incident for purposes of the Settlement is determined exclusively by Settlement Agreement Exhibit 4B.

BP appealed the District Court's holding, and, on March 5, 2014, the Fifth Circuit Court of Appeals affirmed the District Court's December 24<sup>th</sup> holding. On March 17, 2014, BP filed a petition for rehearing en banc, requesting that the Fifth Circuit hold an en banc hearing to consider jointly both the causation issue at hand and BP's appeal of the approval of the Settlement Agreement and certification of the class (see Section III of this Report for additional information).<sup>17</sup>

During this time, the CAO continued to develop Policy 495 regarding the Matching of Revenue and Expenses for BEL claims, which Policy details the methodology that the CAO Accounting Vendors will use to handle BEL claims in which the claimant's financial records do not match revenues with corresponding variable expenses. On February 12, 2014, the CAO announced Policy 495 to the Parties and provided the Parties with the opportunity to respond to the policy.

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<sup>17</sup> While as of April 30, 2014 the Court had not yet issued its Order with regard to the petition for rehearing en banc, the Court dismissed the petition on May 19, 2014. The time to seek relief from the United States Supreme Court, however, has not yet passed.

Following consideration of comments by the Parties, on March 12, 2014, the CAO held a Panel Hearing with the Parties at the request of BP to evaluate the Policy. The following day, the CAO re-announced Policy 495. BP responded with a memorandum detailing its comments on the policy and deferred to the decision of the Claims Administrator. Class Counsel also responded to the policy announcement with a memorandum detailing its comments, objections, and suggested edits and appealed the Policy to the Court in accordance with Section 4.3.4 of the Settlement Agreement.<sup>18</sup>

The CAO continues to adhere to the December 5, 2013 preliminary injunction not only by refraining from issuing any final determinations notices or payments for BEL claims but also by continuing to process BEL claims and to issue Incompleteness Notices for BEL claims until the CAO receives further guidance from the Court.

Additionally, the CAO is processing all IEL claims that do not qualify for eligibility solely on the basis of the employer's satisfaction of the BEL revenue-pattern causation requirements. The CAO has developed and applied measures within the system to stop all Notices and payments to IEL claimants specifically affected by the Court's injunction. These claims remain on hold until the CAO Accounting Vendors evaluate the associated BEL claim for matching issues.

## **2. Processing of Appealed Claims.**

The December 5, 2013 amendment to the October 18, 2013 preliminary injunction applies to all claims currently in the claims appeal process. In response to this order, the CAO has temporarily suspended the Appeals Process for BEL claims in the "baseball" process, which includes BEL claims with Eligibility Notices. The CAO continues the Appeals Process as it

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<sup>18</sup> While as of April 30, 2014 the Court had not yet issued its Order with regard to Policy 495, the Court approved Policy 495 on May 5, 2014. The time for which to appeal such approval, however, has not yet passed.

relates to the following claim groups: (1) non-BEL claims, and (2) BEL claims in the “non-baseball” process, including BEL claims issued Denial Notices for which the CAO has determined that neither revenue and expense matching nor causation, as addressed in the Fifth Circuit’s ruling, are issues that have been raised as a basis for appeal.

## **II. CLAIMANT OUTREACH EFFORTS**

The CAO has continued its claimant outreach efforts since the previous Court Status Report as detailed below.

### **A. Law Firm Contacts.**

The Law Firm Contact team continued to service firms by providing statuses, answering questions about notices, and acting as a liaison between reviewers and firms to request additional documentation pertinent to claims review. Firm Contacts continued to participate in outreach for various claim types and program processes, including Identity Verification and Payment.

### **B. Claimant Communications Center (CCC).**

The CCC continued claimant outreach efforts across all claim types and review teams. The CCC continued to participate in established, on-going outreach efforts, including representation status updates, employer verification, deadline relief confirmation, payment incompleteness, and various claim-specific calls for individual damage categories.

### **C. Claimant Assistance Centers (CACs).**

The CACs complete outreach assignments as a secondary task to meeting with claimants and answering DWH-related questions. The CACs continued outreach to claimants who have incomplete claims and who have commenced but have not completed claim forms. Additionally, the CACs continued outreach to claimants who are required to complete a new Form 4506-T. To date, CACs have helped to complete over 102,000 calls for the Claimant Outreach Program.

**D. Summary of Outreach Calls.**

The table below summarizes some of the Claimant Outreach Program efforts as of April 30, 2014.

<b>Table 18. Outreach Call Volume.</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 After Call</b>
<b>1.</b>	BrownGreer	102,781	31,188	24,735	79%	11,286	36%
<b>2.</b>	Garden City Group	71,304	8,577	6,403	75%	657	8%
<b>3.</b>	P&N	38,973	9,408	8,351	89%	208	2%
<b>4.</b>	PwC	810	357	347	97%	10	3%
<b>5.</b>	<b>TOTAL</b>	<b>213,868</b>	<b>49,530</b>	<b>39,836</b>	<b>80%</b>	<b>12,161</b>	<b>25%</b>

**III. FIFTH CIRCUIT OPINION AFFIRMING DISTRICT COURT APPROVAL OF DWH ECONOMIC AND PROPERTY SETTLEMENT**

The District Court issued an order on December 21, 2012, certifying the Economic and Property Settlement Class and granting final approval of the Settlement Agreement after addressing and rejecting each of the Objectors' arguments. The Objectors appealed the District Court's order citing various provisions of Rule 23 and requested that the Fifth Circuit remand with instructions to withdraw approval of the Settlement Agreement and to decertify the class. Additionally, BP argued on appeal that two Policy Announcements issued by the Claims Administrator regarding the interpretation and application of the Settlement Agreement had subsequently brought the Settlement Agreement into violation of Rule 23, the Rules Enabling Act, and Article III of the U.S. Constitution.

A three judge panel for the Fifth Circuit Court of Appeals considered each of the arguments presented by the Objectors and BP. On January 10, 2014, the Fifth Circuit affirmed





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	836	41,377	42,213	19%	1,701	49,610	51,311	18%	
2.	Florida	2,104	75,039	77,143	34%	5,407	82,089	87,496	30%	
3.	Louisiana	1,597	51,359	52,956	23%	2,508	72,757	75,265	26%	
4.	Mississippi	543	29,171	29,714	13%	1,026	33,007	34,033	12%	
5.	Texas	257	11,486	11,743	5%	695	15,541	16,236	6%	
6.	Other	1,070	12,855	13,925	6%	1,176	22,439	23,615	8%	
7.	<b>Total</b>	<b>6,407</b>	<b>221,287</b>	<b>227,694</b>	<b>100%</b>	<b>12,513</b>	<b>275,443</b>	<b>287,956</b>	<b>100%</b>	

Chart 1: Filings by State of Residence

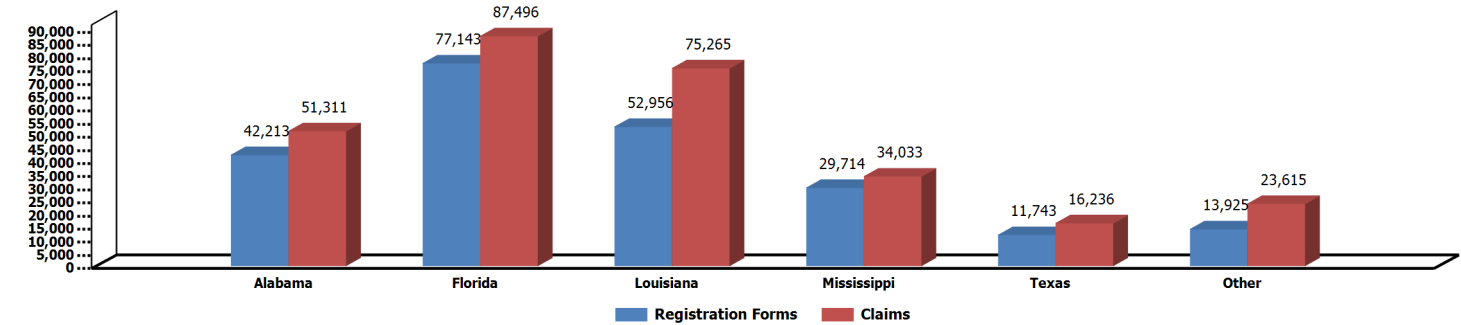
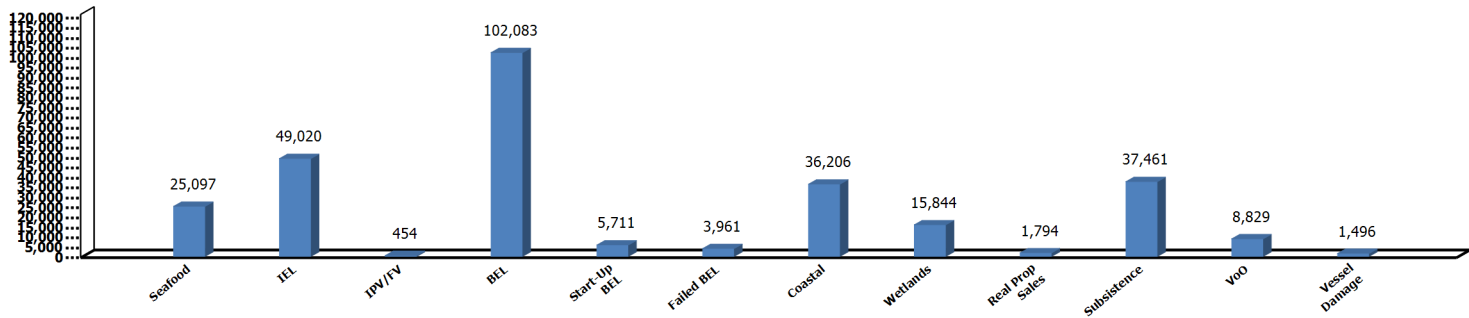


Table 2		Number of Claims by Claim Type					
		Claim Type	Claims				Unique Claimants with Form Submitted
			Form Begun	Form Submitted	Total	%	
1.	Seafood Compensation Program	416	24,681	25,097	9%	10,485	
2.	Individual Economic Loss	6,639	42,381	49,020	17%	41,464	
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	174	280	454	<1%	278	
4.	Business Economic Loss	2,634	99,449	102,083	35%	78,624	
5.	Start-Up Business Economic Loss	295	5,416	5,711	2%	4,633	
6.	Failed Business Economic Loss	291	3,670	3,961	1%	3,295	
7.	Coastal Real Property	839	35,367	36,206	13%	24,616	
8.	Wetlands Real Property	236	15,608	15,844	6%	3,419	
9.	Real Property Sales	190	1,604	1,794	1%	1,269	
10.	Subsistence	650	36,811	37,461	13%	36,743	
11.	VoO Charter Payment	85	8,744	8,829	3%	6,172	
12.	Vessel Physical Damage	64	1,432	1,496	1%	1,222	
13.	<b>Total</b>	<b>12,513</b>	<b>275,443</b>	<b>287,956</b>	<b>100%</b>	<b>195,005</b>	

Chart 2: Number of Claims by Claim Type



Filings by Claimant Assistance Center									
Table 3	Claimant Assistance Center	Registration Forms				Claims			
		Form Begun	Form Submitted	Total	%	Form Begun	Form Submitted	Total	%
1.	Apalachicola, FL	29	1,504	1,533	5%	40	2,167	2,207	6%
2.	Bay St. Louis, MS	9	608	617	2%	29	753	782	2%
3.	Bayou La Batre, AL	21	1,021	1,042	3%	46	1,125	1,171	3%
4.	Biloxi, MS	37	1,518	1,555	5%	67	1,953	2,020	5%
5.	Bridge City, TX	2	415	417	1%	16	786	802	2%
6.	Clearwater, FL	73	2,492	2,565	8%	369	2,077	2,446	6%
7.	Cut Off, LA	12	479	491	2%	23	706	729	2%
8.	Fort Walton Beach, FL	9	1,324	1,333	4%	46	1,822	1,868	5%
9.	Grand Isle, LA	4	144	148	<1%	5	227	232	1%
10.	Gretna/Harvey, LA	41	2,137	2,178	7%	49	2,176	2,225	6%
11.	Gulf Shores, AL	18	2,149	2,167	7%	70	2,828	2,898	8%
12.	Houma, LA	22	804	826	3%	42	1,045	1,087	3%
13.	Lafitte, LA	6	342	348	1%	12	475	487	1%
14.	Mobile, AL	71	7,554	7,625	25%	185	8,231	8,416	23%
15.	Naples, FL	27	1,366	1,393	5%	42	1,277	1,319	4%
16.	New Orleans – CBD BG, LA	13	347	360	1%	20	359	379	1%
17.	New Orleans East, LA	43	2,076	2,119	7%	99	2,450	2,549	7%
18.	Panama City Beach, FL	21	2,331	2,352	8%	100	3,581	3,681	10%
19.	Pensacola, FL	28	1,392	1,420	5%	71	1,733	1,804	5%
20.	<b>Total</b>	<b>486</b>	<b>30,003</b>	<b>30,489</b>	<b>100%</b>	<b>1,331</b>	<b>35,771</b>	<b>37,102</b>	<b>100%</b>



Chart 3: Number of Claims by Claimant Assistance Center

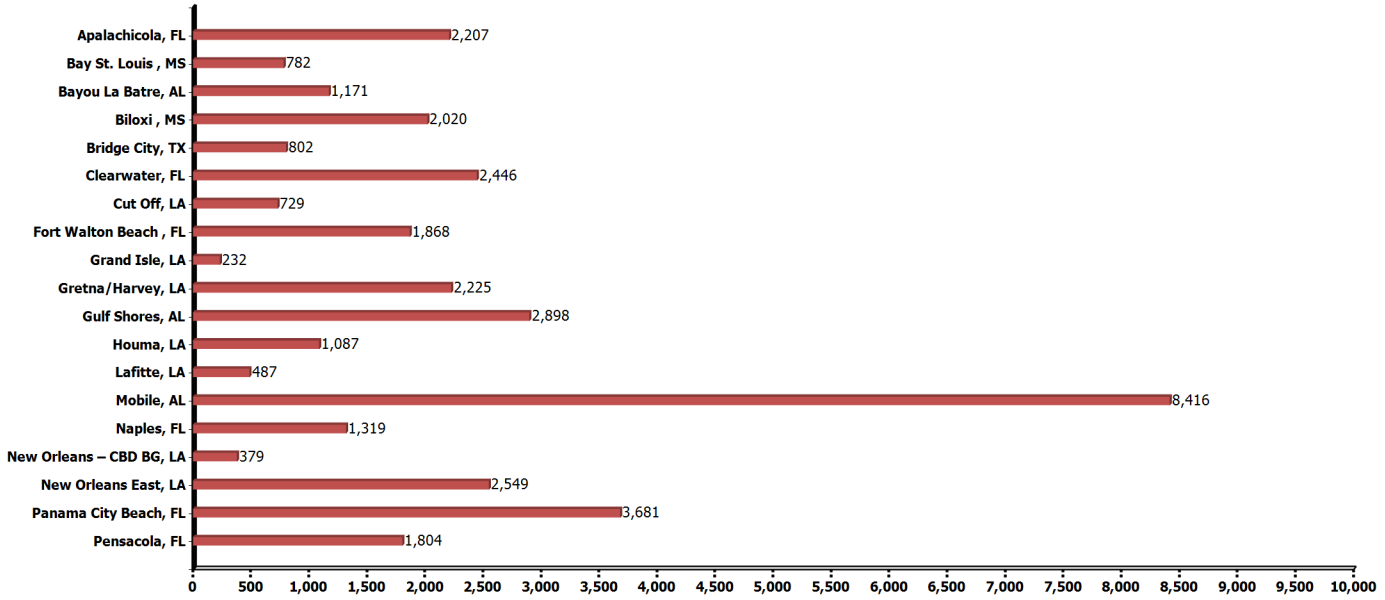
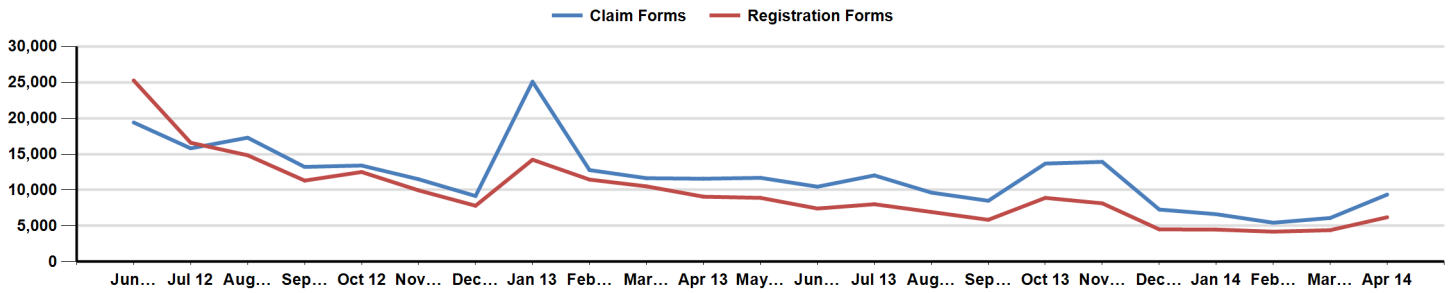


Table 4	Claim Type	Notices Issued											Total Claims Issued Notice
		Eligible - Payable	Eligible - No Payment	Incomplete	Denial					Opt-Outs	Withdrawn	Closed	
					Exclusion Denials	Prior GCCF Release	Causation Denials	Other Denials	Incomplete Denials				
1.	Seafood Compensation Program	9,181	1,120	724	48	2,441	0	486	4,747	1,169	2,576	1,747	24,239
2.	Individual Economic Loss	5,118	1,287	7,042	3,080	1,950	80	944	14,499	702	1,127	2,903	38,732
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	8	0	9	4	23	0	59	122	2	68	23	318
4.	Business Economic Loss	12,451	218	24,340	632	543	2,541	304	4,923	786	3,821	1,618	52,177
5.	Start-Up Business Economic Loss	520	18	1,843	49	41	96	30	815	90	129	241	3,872
6.	Failed Business Economic Loss	36	23	788	45	91	265	566	541	106	78	276	2,815
7.	Coastal Real Property	24,564	51	301	5	799	0	4,652	1,430	365	376	1,756	34,299
8.	Wetlands Real Property	2,935	1	148	10	66	0	1,399	55	57	158	923	5,752
9.	Real Property Sales	643	2	46	4	53	23	563	63	12	54	112	1,575
10.	Subsistence	2,479	39	6,034	16	1,279	0	31	2,023	193	255	447	12,796
11.	VoO Charter Payment	6,987	19	49	16	0	0	591	680	91	64	112	8,609
12.	Vessel Physical Damage	806	21	83	4	0	0	113	210	20	36	87	1,380
13.	<b>Total</b>	<b>65,728</b>	<b>2,799</b>	<b>41,407</b>	<b>3,913</b>	<b>7,286</b>	<b>3,005</b>	<b>9,738</b>	<b>30,108</b>	<b>3,593</b>	<b>8,742</b>	<b>10,245</b>	<b>186,564</b>

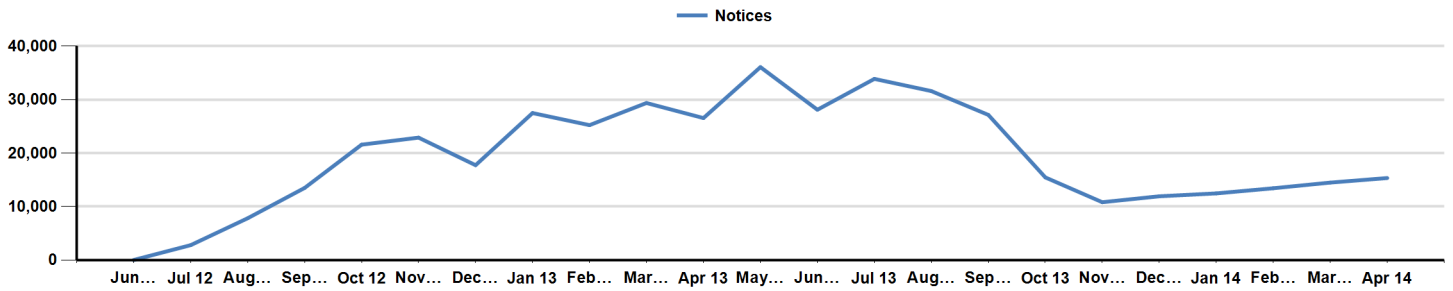
Payment Information								
Table 5	Claim Type	Eligibility Notices Issued with Payment Offer		Accepted Offers		Payments Made		
		Number	Amount	Number	Amount	Number	Amount	Unique Claimants Paid
1.	Seafood Compensation Program	9,181	\$1,118,390,002	8,099	\$1,098,768,117	7,734	\$1,078,116,053	4,551
2.	Individual Economic Loss	5,118	\$66,134,340	4,692	\$61,871,693	4,379	\$52,952,387	4,379
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	8	\$77,085	8	\$77,085	8	\$77,085	8
4.	Business Economic Loss	12,451	\$3,061,508,079	11,927	\$2,902,600,272	9,909	\$2,073,991,877	9,516
5.	Start-Up Business Economic Loss	520	\$121,416,636	497	\$114,089,558	441	\$94,075,982	426
6.	Failed Business Economic Loss	36	\$3,428,620	28	\$2,977,358	20	\$1,733,460	20
7.	Coastal Real Property	24,564	\$136,639,375	23,772	\$132,818,596	23,138	\$128,297,942	18,165
8.	Wetlands Real Property	2,935	\$155,334,242	2,760	\$109,733,847	2,650	\$108,221,806	1,102
9.	Real Property Sales	643	\$31,967,039	627	\$31,351,523	615	\$30,746,273	571
10.	Subsistence	2,479	\$18,198,003	2,272	\$16,985,175	2,080	\$15,256,023	2,080
11.	VoO Charter Payment	6,987	\$279,444,695	6,961	\$277,304,204	6,896	\$275,377,552	5,254
12.	Vessel Physical Damage	806	\$12,735,656	792	\$12,290,864	760	\$11,505,829	709
13.	<b>Total</b>	<b>65,728</b>	<b>\$5,005,273,771</b>	<b>62,435</b>	<b>\$4,760,868,291</b>	<b>58,630</b>	<b>\$3,870,352,268</b>	<b>43,665</b>

Appeals Received				
Table 6	Resolved Appeals			
	Appeal Status	BP Appeals	Claimant Appeals	Total Appeals
1.	Resolved by Panel decision	1,525	788	2,313
2.	Resolved by parties	388	80	468
3.	Withdrawn	272	33	305
4.	Administratively Closed	8	40	48
5.	Inactive Under Reconsideration/Re-Review	133	0	133
6.	Remand to Claims Administrator	121	29	150
7.	<b>Total</b>	<b>2,447</b>	<b>970</b>	<b>3,417</b>
Pending Appeals				
8.	In "Baseball" Process	1,269	70	1,339
9.	In "Non-Baseball" Process	0	87	87
10.	Submitted to Panel	94	107	201
11.	Under Discretionary Court Review	130	71	201
12.	<b>Total</b>	<b>1,493</b>	<b>335</b>	<b>1,828</b>
Grand Total				
13.		<b>3,940</b>	<b>1,305</b>	<b>5,245</b>

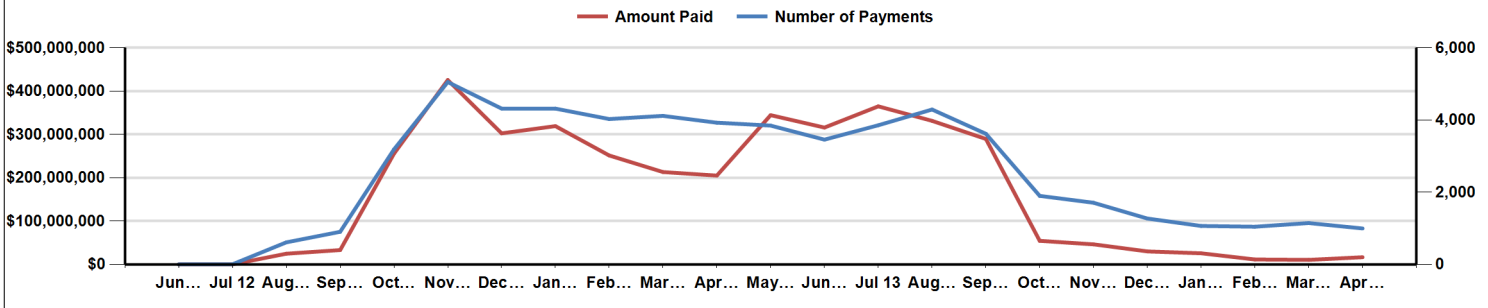
**Chart 4: Registration and Claim Forms Filed by Month**



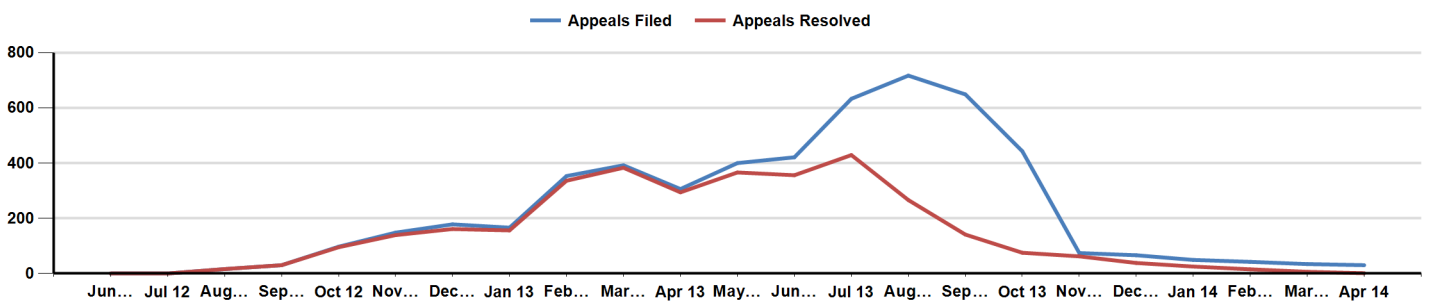
**Chart 5: Notices Issued by Month**



**Chart 6: Payments Made by Month**



**Chart 7: Appeal Resolutions by Month**



**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) Eligibility Notice if the claim has been paid; (2) Most recent active Notice if the claim has not been paid; (3) If the claim has been closed it will not be counted as an Eligibility Notice unless the claim has been paid. The count of Notices Issued in Chart 5, counts all Notices Issued and reports claims with multiple Notices once for each Notice issued. Because of this, the totals reported in Table 4 do not match the totals reported in Chart 5.
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. Appeals Received - Excludes Appeals closed pursuant to 4/24/2013 Court Order.
7. 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.