



**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.**

**20**

**DATE**

**May 2, 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. 20, DATED MAY 2, 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 March 31, 2014<sup>1</sup>. 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>2</sup> have received 215,224 Registration Forms and 265,951 Claim Forms since the Program opened, as shown in the Public Statistics for

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<sup>1</sup> The Claims Administrator has adjusted the timing of the monthly Court Status Report to coincide with the end of the calendar month in order to better reflect the status of the Program over the relevant month. For Court Status Report No.20 and future reports, the information provided in the tables below reflects the monthly change in data since the last report.

<sup>2</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.

the Deepwater Horizon Economic and Property Damages Settlement (Public Report) attached as Exhibit A. Additionally, claimants have begun, but not fully completed and submitted, 12,599 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, 9% have been filed or are being filed within the Seafood Program, 17% have been filed or are being filed within the Individual Economic Loss (IEL) framework, and 38% 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 36,825 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>	63	+2	94	+1	479	+37
<b>2.</b>	<b>Claims Within GADL Review</b>	1	-1	1	0	N/A	N/A
<b>3.</b>	<b>Eligible for Payment</b>	12	0	51	+1	184	+3
<b>4.</b>	<b>Approval Orders Filed</b>	8	0	48	0	165	+3

## 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>3</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>1.</b>	<b>Attorney's Fees</b>	2,287	2,084	419	270	280	570
<b>2.</b>	<b>IRS Levies</b>	752	696	62	51	49	83
<b>3.</b>	<b>Individual Domestic Support Obligations</b>	366	231	102	77	78	103
<b>4.</b>	<b>Blanket State-Asserted Multiple Domestic Support Obligations</b>	4 states	N/A	N/A	N/A	0	0

<sup>3</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>3</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>5.</b>	<b>3rd Party Lien/Writ of Garnishment</b>	781	438	37	13	7	7
<b>6.</b>	<b>Claims Preparation/ Accounting</b>	4,464	4,270	112	75	31	41
<b>7.</b>	<b>TOTAL</b>	<b>8,650</b>	<b>7,719</b>	<b>732</b>	<b>486</b>	<b>445</b>	<b>804<sup>4</sup></b>

Any disputes over Third Party Claims must be resolved by agreement of the parties or through a dispute resolution process. 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 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 over 100 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.

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<sup>4</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.

<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>5</sup></b>
84	60	43	21

To date, the CAO has removed 1,500 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 189,051 claimants. Of those, the CAO has matched the TIN and claimant's name to public records databases and verified identity for 100,648 claimants from the initial query through LexisNexis and/or Dun & Bradstreet. The CAO has reviewed the remaining 88,403 claimants to determine whether claimant identity could be verified after searching for typographical errors and name changes or after reviewing official documentation from the Internal Revenue Service or Social Security Administration. Of the remaining 88,403 claimants, the CAO has verified the identity of 84,419.

<sup>5</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.

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

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>	2,236	69.55%	65,512	77.16%
<b>2.</b>	<b>SSN Notice Issued</b>	49	1.52%	2,711	3.19%
<b>3.</b>	<b>ITIN Notice Issued</b>	6	0.19%	437	0.51%
<b>4.</b>	<b>EIN Notice Issued</b>	924	28.74%	16,249	19.14%
<b>5.</b>	<b>Total Reviewed</b>	<b>3,215</b>	<b>100%</b>	<b>84,909</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>	2,711	2,142	79.01%	52
<b>2.</b>	<b>ITIN Notice</b>	437	372	85.13%	31
<b>3.</b>	<b>EIN Notice</b>	16,249	13,310	81.91%	32
<b>4.</b>	<b>Total Issued</b>	<b>19,397</b>	<b>15,824</b>	<b>81.58%</b>	<b>38</b>

When a claimant submits a Subsistence claim stating that he or she fished 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 is who the claimant says he or she is. The CAO first attempts to match each family member's name and TIN to public records databases through LexisNexis. The CAO has sent to LexisNexis for verification 45,757 family members' names and TINs, which were associated with 18,463 claims. 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>	0	(2,358)	7,626	2,579
<b>2.</b>	<b>Number of Family Members</b>	0	(9,341)	31,340	10,232

## **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 intricate analysis necessary to assign the proper NAICS code to a business. The EVR team has completed the EVR analysis for 221,292 businesses and rental properties.

From March 1, 2014, through March 31, 2014, the team completed the EVR process for 5,167 businesses and rental properties. The CAO identified an average of 175 new businesses and rental properties to review per day and completed the EVR review for an average of 167



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>
1.	<b>GCCF Release</b>	<b>Exclusions</b>	52	7,451
2.	<b>BP/MDL 2179 Defendant</b>		26	360
3.	<b>US District Court for Eastern District of LA</b>		0	22
4.	<b>Not a Member of the Economic Class</b>	<b>Claims Reviewers</b>	0	230
5.	<b>Bodily Injury</b>		0	6
6.	<b>BP Shareholder</b>		0	8
7.	<b>Transocean/Halliburton Claim</b>		0	0
8.	<b>Governmental Entity</b>	<b>Claims Reviewers/ EVR</b>	21	778
9.	<b>Oil and Gas Industry</b>		44	993
10.	<b>BP-Branded Fuel Entity</b>		0	42
11.	<b>Menhaden Claim</b>	<b>EVR</b>	0	18
12.	<b>Financial Institution</b>		5	257
13.	<b>Gaming Industry</b>		14	721
14.	<b>Insurance Industry</b>		4	184
15.	<b>Defense Contractor</b>		15	373
16.	<b>Real Estate Developer</b>		5	226
17.	<b>Trust, Fund, Financial Vehicle</b>		0	14
18.	<b>Total Denial Notices from Exclusions</b>		<b>186</b>	<b>11,683</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>									
	Claim Type	CAS Review Result				Total CAS Reviews		CAS \$ Amount Reimbursed	
		Complete		Incomplete		Since Last Report	Total to Date	Since Last Report	Total to Date
		Since Last Report	Total to Date	Since Last Report	Total to Date				
1.	<b>BEL</b>	65	10,435	9	1,038	74	11,473	\$0.00	\$15,628,756.96
2.	<b>IEL</b>	115	2,708	13	421	128	3,129	\$4,407.63	\$334,094.91
3.	<b>Seafood</b>	10	3,868	4	777	14	4,645	\$1,002.50	\$1,564,018.99
4.	<b>TOTAL</b>	<b>190</b>	<b>17,011</b>	<b>26</b>	<b>2,236</b>	<b>216</b>	<b>19,247</b>	<b>\$5,410.13</b>	<b>\$17,526,870.86</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.</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>
1.	<b>Seafood</b>	25,220	25,076	99%	110	34	49
2.	<b>IEL</b>	28,278	26,795	95%	896	587	694
3.	<b>BEL<sup>7</sup></b>	24,882	24,521	99%	190	171	436
4.	<b>Start-Up BEL<sup>7</sup></b>	2,008	1,986	99%	11	11	28
5.	<b>Failed BEL<sup>7</sup></b>	2,080	2,044	98%	12	24	6
6.	<b>Coastal RP</b>	20,446	20,441	100%	2	3	282
7.	<b>RPS</b>	840	840	100%	0	0	15
8.	<b>VoO</b>	7,810	7,805	100%	2	3	10
9.	<b>Subsistence</b>	35,510	23,088	65%	794	11,628	1,710
10.	<b>Wetlands RP</b>	4,287	4,247	99%	33	7	290
11.	<b>VPD</b>	1,436	1,431	100%	2	3	14
12.	<b>TOTAL</b>	<b>152,797</b>	<b>138,274</b>	<b>90%</b>	<b>2,052</b>	<b>12,471</b>	<b>3,534</b>

<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.

## 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.

<b>Table 10. Throughput Analysis of Claims Filed and Notices Issued.</b>										
<b>A. Claims Reviewed to First Notice</b>										
	Claim Type	Status of All Claims Filed					Productivity From 3/1/14 Through 3/31/14			
		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.	<b>Seafood</b>	24,633	24,299	99%	334	1%	20	<1	22	<1
2.	<b>IEL</b>	40,996	36,767	90%	4,229	10%	1,379	44	2,398	77
3.	<b>IPV/FV</b>	273	254	93%	19	7%	2	<1	0	0
4.	<b>BEL</b>	95,207	49,779	52%	45,428	48%	2,040	66	1,835	59
5.	<b>Start-Up BEL</b>	5,266	3,773	72%	1,493	28%	93	3	51	2
6.	<b>Failed BEL</b>	3,551	2,775	78%	776	22%	63	2	27	<1
7.	<b>Coastal RP</b>	34,514	33,649	97%	865	3%	807	26	637	21
8.	<b>Wetlands RP</b>	14,112	5,611	40%	8,501	60%	527	17	272	9
9.	<b>RPS</b>	1,548	1,497	97%	51	3%	42	1	28	<1
10.	<b>Subsistence</b>	35,718	12,591	35%	23,127	65%	1,081	35	602	19
11.	<b>VoO</b>	8,709	8,645	99%	64	1%	6	<1	3	<1
12.	<b>VPD</b>	1,424	1,380	97%	44	3%	7	<1	7	<1
13.	<b>TOTAL</b>	<b>265,951</b>	<b>181,020</b>	<b>68%</b>	<b>84,931</b>	<b>32%</b>	<b>6,067</b>	<b>196</b>	<b>5,882</b>	<b>190</b>

<b>B. Claims Reviewed to Later Notice</b>										
	<b>Claim Type</b>	<b>Initial or Preliminary Incompleteness Response</b>			<b>Follow-Up Incompleteness Responses</b>			<b>Requests for Reconsideration</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 Later Notice</b>	<b>Remaining Claims</b>
<b>1.</b>	<b>Seafood</b>	5,908	5,385	523	2,813	2,548	265	3,654	3,339	315
<b>2.</b>	<b>IEL</b>	16,142	13,765	2,377	7,763	6,236	1,527	4,856	4,064	792
<b>3.</b>	<b>IPV/FV</b>	89	84	5	34	33	1	38	34	4
<b>4.</b>	<b>BEL</b>	26,940	16,060	10,880	10,527	4,626	5,901	3,912	2,623	1,289
<b>5.</b>	<b>Start-Up BEL</b>	2,203	1,600	603	1,293	618	675	423	260	163
<b>6.</b>	<b>Failed BEL</b>	956	740	216	592	300	292	436	309	127
<b>7.</b>	<b>Coastal RP</b>	5,180	5,030	150	1,452	1,382	70	1,761	1,711	50
<b>8.</b>	<b>Wetlands RP</b>	371	252	119	79	57	22	493	386	107
<b>9.</b>	<b>RPS</b>	269	264	5	81	73	8	184	182	2
<b>10.</b>	<b>Subsistence</b>	5,285	1,143	4,142	1,074	174	900	210	109	101
<b>11.</b>	<b>VoO</b>	927	908	19	385	373	12	621	610	11
<b>12.</b>	<b>VPD</b>	771	726	45	345	326	19	241	228	13
<b>13.</b>	<b>TOTAL</b>	<b>65,041</b>	<b>45,957</b>	<b>19,084</b>	<b>26,438</b>	<b>16,746</b>	<b>9,692</b>	<b>16,829</b>	<b>13,855</b>	<b>2,974</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 March 31, 2014, the CAO has issued 64,871 Eligibility Notices to unique claims with Payment Offers totaling over \$4.99 billion. As of that date, the CAO has made over \$3.85 billion in payments on 57,640 claims.<sup>8</sup>

<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 addressing revenue and expense matching and causation issues.

## 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.

<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>
(a)	<b>Claimants with Active Bankruptcy Holds</b>	1,832	+38
(b)	<b>Claimants with Removed Bankruptcy Holds</b>	920	+22
<b>2.</b>	<b>Bankruptcy Notices Issued</b>	<b>Total</b>	<b>Change Since Last Report</b>
(a)	<b>Representative of Claimant in Bankruptcy Notices</b>	327	+5
(b)	<b>Bankruptcy Trustee Communication Notices</b>	66	+8
(c)	<b>Bankruptcy Trustee Informational Notices</b>	50	+4

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 more clearly 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. As of March 31<sup>st</sup>, the CAO was awaiting BP's review and comments.

**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 have been 67,048 Eligibility, Denial, or Incompleteness Denial Notices issued from which claimants can or could seek Re-Review. Of those, 856 are still within the 30 day window to seek Re-Review and Re-Review has not yet been requested, leaving 66,192 claims for which the window to seek Re-Review has passed. Of those, claimants have requested Re-Review of 4,718 claims. Thus, the rate of Re-Review from all final determinations is 7.1%. The rate of Re-Review from Eligibility Notices is 4.4%, while the rate of Re-Review from Denial and Incompleteness Denial Notices is 13.9%.

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	816	791	12	13			
2.	IEL	703	648	26	11			
3.	IPV/FV	10	10	0	<1			
4.	BEL	1,527	1,366	39	23			
5.	Start-Up BEL	116	102	1	2			
6.	Failed BEL	149	131	9	2			
7.	Coastal RP	838	834	22	14			
8.	Wetlands RP	277	270	16	4			
9.	RPS	81	81	0	1			
10.	Subsistence	98	71	11	1			
11.	VoO	57	57	0	<1			
12.	VPD	46	42	0	<1			
13.	<b>TOTAL</b>	<b>4,718</b>	<b>4,403<sup>9</sup></b>	<b>136</b>	<b>73</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
1.	Seafood	723	12	389	29	217	85	3
2.	IEL	568	10	141	37	194	193	3
3.	IPV/FV	10	<1	0	0	0	10	0
4.	BEL	1,030	17	253	44	83	640	10
5.	Start-Up BEL	69	1	16	3	5	44	1
6.	Failed BEL	96	2	1	2	0	93	0
7.	Coastal RP	779	13	43	5	102	603	26
8.	Wetlands RP	198	3	8	1	12	176	1
9.	RPS	45	<1	1	0	2	42	0
10.	Subsistence	40	<1	6	4	2	28	0
11.	VoO	56	<1	7	5	17	25	2
12.	VPD	40	<1	19	0	11	9	1
13.	<b>TOTAL</b>	<b>3,654<sup>9</sup></b>	<b>61</b>	<b>884</b>	<b>130</b>	<b>645</b>	<b>1,948</b>	<b>47</b>

<sup>9</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.



## 2. Reconsideration Reviews and Outcomes.

To date, there have been 129,186 Eligibility, Denial, or Incompleteness Denial Notices issued from which claimants can or could seek Reconsideration. Of those, 1,434 are still within the 30 day window to seek Reconsideration and Reconsideration has not yet been requested, leaving 127,752 claims for which the window to seek Reconsideration has passed. Of those, claimants have requested Reconsideration of 16,829 claims. Thus, the rate of Reconsideration from all final determinations is 13.2%. The rate of Reconsideration from Eligibility Notices is 5.6%, 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-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	Average Weekly Reviews
1.	Seafood	3,654	3,452	35	43
2.	IEL	4,856	4,424	244	55
3.	IPV/FV	38	34	0	<1
4.	BEL	3,912	3,388	157	42
5.	Start-Up BEL	423	368	25	5
6.	Failed BEL	436	396	6	5
7.	Coastal RP	1,761	1,727	70	22
8.	Wetlands RP	493	451	9	6
9.	RPS	184	184	4	2

<b>Table 13. Reconsideration.</b>								
	Claim Type	Requests Received To Date	Reviews Completed To Date					
			Total	Completed Since Last Report	Average Weekly Reviews			
10.	Subsistence	210	155	30	2			
11.	VoO	621	616	2	8			
12.	VPD	241	237	11	3			
13.	<b>TOTAL</b>	<b>16,829</b>	<b>15,432<sup>10</sup></b>	<b>593</b>	<b>193</b>			
<b>B. Reconsideration Notices Issued</b>								
	Claim Type	Notices Issued		Outcome of Reconsideration Notice				
		Total Issued to Date	Weekly Average	Compensation Amount for Eligible Claims			Exclusions/Denials	
				↑	↓	↔	Confirmed	Overturned
1.	Seafood	3,339	39	782	103	474	1,674	306
2.	IEL	4,063	48	362	30	105	2,641	925
3.	IPV/FV	34	<1	0	0	0	32	2
4.	BEL	2,623	31	414	31	191	1,063	924
5.	Start-Up BEL	260	3	19	2	12	80	147
6.	Failed BEL	309	4	8	0	0	239	62
7.	Coastal RP	1,711	20	101	17	376	1,016	201
8.	Wetlands RP	386	5	21	1	30	314	20
9.	RPS	182	2	1	0	3	166	12
10.	Subsistence	109	1	2	0	1	96	10
11.	VoO	610	7	59	4	121	370	56
12.	VPD	228	3	50	2	17	95	64
13.	<b>TOTAL</b>	<b>13,854<sup>10</sup></b>	<b>164</b>	<b>1,819</b>	<b>190</b>	<b>1,330</b>	<b>7,786</b>	<b>2,729</b>

### 3. Appeals.

#### (a) BP Appeals.

To date, the CAO has issued 18,855 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 18,829 Notices

<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.

that BP has either appealed or for which the deadline for BP to file an appeal has passed. Of those 18,829 Notices, BP has filed 3,928 appeals, a 20.9% appeal rate. However, out of the 3,928 Notices BP has appealed, BP has subsequently withdrawn 272 of those appeals, while another 1,329 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 prevails upon appeal receives). Thus, out of the 3,928 Notices BP has appealed, 1,601 have either been withdrawn or resolved for a compensation amount the same as or greater than that in the Eligibility Notice. Removing those 1,601 Notices from the 3,928 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</b>	<b>Total</b>
<b>1.</b>	<b>BP Appeals Filed</b>	<b>3,925</b>	<b>3</b>	<b>3,928</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>2,403</b>	<b>32</b>	<b>2,435</b>
(a).	Withdrawn	270	2	272
(b).	Panel Decided	1,496	17	1,513
(c).	Settled by Parties	383	4	387
(d).	Remanded by Panel	113	7	120
(e).	Administratively Closed	8	0	8
(f).	Closed for Reconsideration Review	133	2	135
<b>B. Pending Appeals</b>				
<b>1.</b>	<b>In Pre-Panel Baseball Process</b>			<b>1,270</b>
<b>2.</b>	<b>Currently Before Panel</b>			<b>90</b>
<b>3.</b>	<b>Under Discretionary Review</b>			<b>133</b>
<b>4.</b>	<b>TOTAL PENDING<sup>11</sup></b>			<b>1,493</b>

<sup>11</sup> This includes 1,399 appeals that are on court-ordered hold for BEL matching. (See part E, infra).

**(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 7,284 Post-Reconsideration Eligibility and Denial Notices. Of those, 85 Notices are still within the timeframe in which the claimant can file an appeal and the claimant has not yet done so, leaving 7,199 Notices that the claimant has either appealed or for which the deadline for the claimant to file an appeal has passed. Of those 7,199 Notices, claimants have filed 1,284 appeals, a 17.8% appeal rate. Of the 1,284 claimant appeals, 780 are appeals of Post-Reconsideration Denial Notices, while 504 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>1,261</b>	<b>23</b>	<b>1,284</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>786</b>	<b>107</b>	<b>893</b>
(a).	Panel Decided	651	77	728
(b).	Settled by Parties	73	1	74
(c).	Remanded by the Panel	23	2	25
(d).	Administratively Closed	8	24	32
(e).	Withdrawn	31	3	34
<b>B. Pending Appeals</b>				
<b>1.</b>	<b>In Pre-Panel Baseball Process</b>			<b>87</b>
<b>2.</b>	<b>In Pre-Panel Non-Baseball Process</b>			<b>106</b>
<b>3.</b>	<b>Currently Before Panel</b>			<b>97</b>
<b>4.</b>	<b>Under Discretionary Review</b>			<b>101</b>
<b>5.</b>	<b>TOTAL PENDING<sup>12</sup></b>			<b>391</b>

<sup>12</sup> This includes six appeals that are on court-ordered hold for BEL matching. (See part E, infra).

**(c) Resolved Appeals.**

As reported in the tables above, 3,328 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.

<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>Closed Because Claimant Asked For Recon.</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 Overturned</b>	<b>Remand</b>				
<b>1.</b>	<b>Seafood</b>	57	19	126	34	2	17	49	6	8	318
<b>2.</b>	<b>BEL</b>	56	462	1,149	159	48	82	202	6	105	2,269
<b>3.</b>	<b>Wetlands RP</b>	3	1	4	31	3	0	3	0	16	61
<b>4.</b>	<b>Coastal RP</b>	36	1	19	55	3	1	6	6	0	127
<b>5.</b>	<b>RPS</b>	0	3	7	33	0	0	2	2	0	47
<b>6.</b>	<b>VoO</b>	16	30	43	33	18	5	26	4	0	175
<b>7.</b>	<b>IEL</b>	17	37	60	60	7	29	10	12	6	238
<b>8.</b>	<b>IPV</b>	0	0	0	1	1	0	0	1	0	3
<b>9.</b>	<b>VPD</b>	1	24	28	15	0	11	8	0	0	87
<b>10.</b>	<b>Subsistence</b>	0	0	0	0	0	0	0	3	0	3
<b>11.</b>	<b>Total</b>	<b>186</b>	<b>577</b>	<b>1,436</b>	<b>421</b>	<b>82</b>	<b>145</b>	<b>306</b>	<b>40</b>	<b>135</b>	<b>3,328</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 3,816 Post-Reconsideration Incompleteness Denial Notices. Of those, 80 Notices are still within the timeframe in which the claimant can file an appeal, leaving 3,736 Notices for which the claimant's appeal deadline has passed. Of those 3,736 Notices eligible for appeal, 1,816 (48.6%) 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>1,731</b>	<b>85</b>	<b>1,816</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>1,322</b>	<b>88</b>	<b>1,410</b>
(a).	Withdrawn/Closed	4	0	4
(b).	Cured	170	13	183
(c).	Incompleteness Denial Affirmed	1,123	67	1,190
(d).	Incompleteness Denial Overturned	25	8	33
<b>B. Pending Incompleteness Appeals</b>				
<b>3.</b>	<b>In Pre-Documentation Reviewer Process</b>	<b>375</b>		
<b>4.</b>	<b>Currently Before Documentation Reviewer</b>	<b>31</b>		
<b>5.</b>	<b>TOTAL PENDING</b>	<b>406</b>		

As reported in Table 17 above, 1,410 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 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 and certification of the Settlement Agreement (see Section III of this Report for additional information). The Court has not yet ruled on BP's petition for rehearing en banc.

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.



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.

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 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 consistently participates in the ongoing SWS-12A research calls to employers, in the calls confirming Deadline Relief Request approvals, and in the calls confirming changes in claimant representation status. Finally, the CCC conducted outreach to inform claimants of missing documents required to issue payment.

### **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 96,000 calls for the Claimant Outreach Program.

**D. Summary of Outreach Calls.**

The table below summarizes some of the Claimant Outreach Program efforts as of March 31, 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	96,209	30,279	24,129	80%	10,847	36%
<b>2.</b>	Garden City Group	71,248	8,555	6,366	74%	654	8%
<b>3.</b>	P&N	36,562	8,560	7,698	90%	205	2%
<b>4.</b>	PwC	810	356	346	97%	9	3%
<b>5.</b>	<b>TOTAL</b>	<b>204,829</b>	<b>47,750</b>	<b>38,539</b>	<b>81%</b>	<b>11,715</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 by a 2-1 majority the District Court's order approving the Settlement Agreement and certifying

the class. Based on the Court's previous decisions, the Fifth Circuit rejected the arguments presented by the Objectors and BP under Article III because "it is sufficient for standing purposes that the plaintiffs seek recovery for an economic harm that they allege they have suffered,' because we 'assume arguendo the merits' of their claims at the Rule 23 stage". (Court Op. at 48 (citations omitted). Further, the Court also rejected the argument of the Objectors and BP under Rule 23, citing that "[c]lass certification is not precluded simply because a class may include persons who have not been injured by the defendant's conduct." *Id.*

On January 21, 2014, BP filed a petition for rehearing en banc of the Appeal Panel's decision. The Court has not yet ruled on BP's petition for rehearing en banc.

#### **IV. CONCLUSION**

The Claims Administrator offers 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, the Claims Administrator stands ready to provide it at the Court's convenience.

/s/ Patrick 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 LexisNexis 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 2<sup>nd</sup> day of May, 2014.

          /s/ Patrick Juneau            
PATRICK A. JUNEAU  
CLAIMS ADMINISTRATOR

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	818	40,534	41,352	19%	1,694	48,578	50,272	18%	
2.	Florida	2,115	72,972	75,087	34%	5,424	79,391	84,815	30%	
3.	Louisiana	1,641	49,738	51,379	23%	2,574	69,615	72,189	26%	
4.	Mississippi	544	28,419	28,963	13%	992	32,069	33,061	12%	
5.	Texas	261	11,157	11,418	5%	742	14,944	15,686	6%	
6.	Other	1,034	12,404	13,438	6%	1,173	21,354	22,527	8%	
7.	<b>Total</b>	<b>6,413</b>	<b>215,224</b>	<b>221,637</b>	<b>100%</b>	<b>12,599</b>	<b>265,951</b>	<b>278,550</b>	<b>100%</b>	

Chart 1: Filings by State of Residence

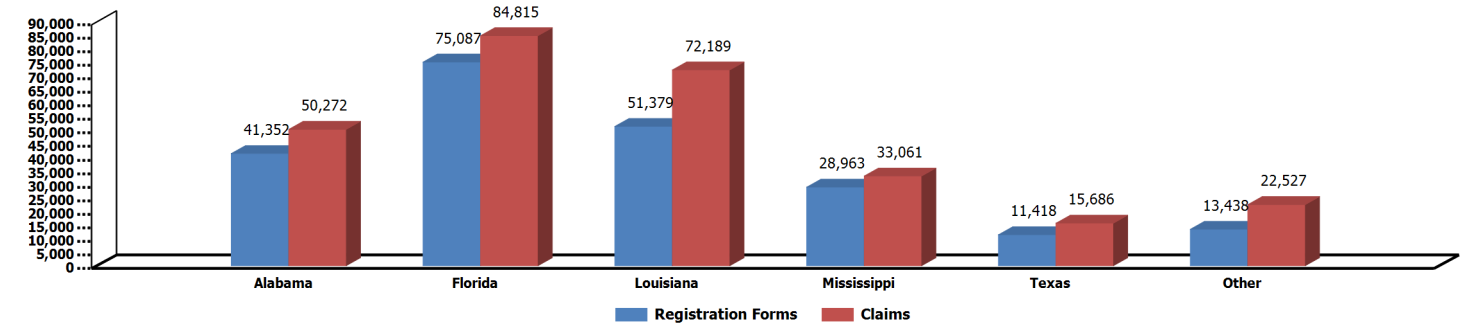
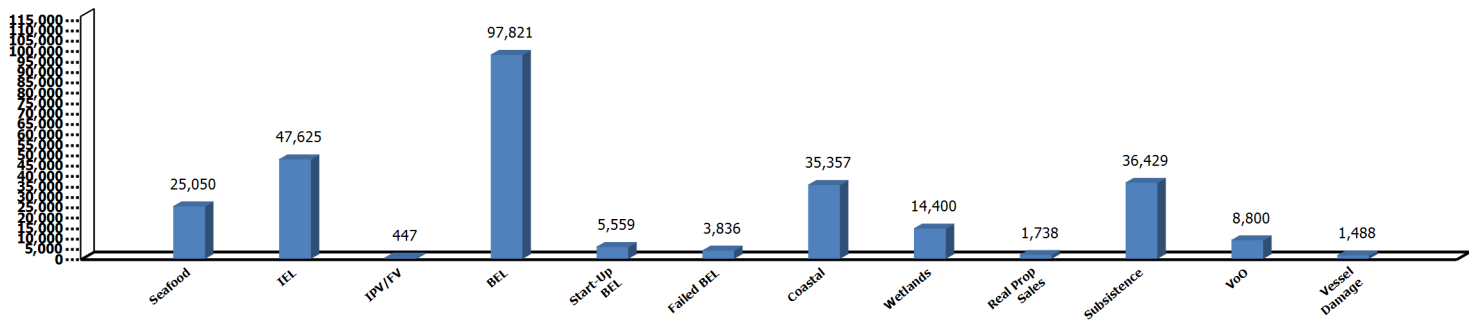


Table 2		Number of Claims by Claim Type					
		Claim Type	Claims				Unique Claimants with Form Submitted
			Form Begun	Form Submitted	Total	%	
1.	Seafood Compensation Program	417	24,633	25,050	9%	10,474	
2.	Individual Economic Loss	6,629	40,996	47,625	17%	40,168	
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	174	273	447	<1%	271	
4.	Business Economic Loss	2,614	95,207	97,821	35%	75,457	
5.	Start-Up Business Economic Loss	293	5,266	5,559	2%	4,502	
6.	Failed Business Economic Loss	285	3,551	3,836	1%	3,194	
7.	Coastal Real Property	843	34,514	35,357	13%	24,038	
8.	Wetlands Real Property	288	14,112	14,400	5%	3,107	
9.	Real Property Sales	190	1,548	1,738	1%	1,230	
10.	Subsistence	711	35,718	36,429	13%	35,672	
11.	VoO Charter Payment	91	8,709	8,800	3%	6,151	
12.	Vessel Physical Damage	64	1,424	1,488	1%	1,215	
13.	<b>Total</b>	<b>12,599</b>	<b>265,951</b>	<b>278,550</b>	<b>100%</b>	<b>188,639</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%	41	2,166	2,207	6%
2.	Bay St. Louis, MS	9	608	617	2%	29	753	782	2%
3.	Bayou La Batre, AL	21	1,020	1,041	3%	48	1,121	1,169	3%
4.	Biloxi, MS	37	1,506	1,543	5%	68	1,936	2,004	5%
5.	Bridge City, TX	2	402	404	1%	17	768	785	2%
6.	Clearwater, FL	73	2,468	2,541	8%	373	2,042	2,415	6%
7.	Cut Off, LA	12	477	489	2%	24	685	709	2%
8.	Fort Walton Beach, FL	9	1,325	1,334	4%	48	1,820	1,868	5%
9.	Grand Isle, LA	4	144	148	<1%	5	227	232	1%
10.	Gretna/Harvey, LA	41	2,110	2,151	7%	50	2,156	2,206	6%
11.	Gulf Shores, AL	19	2,147	2,166	7%	70	2,828	2,898	8%
12.	Houma, LA	22	804	826	3%	42	1,046	1,088	3%
13.	Lafitte, LA	6	341	347	1%	12	472	484	1%
14.	Mobile, AL	71	7,515	7,586	25%	186	8,167	8,353	23%
15.	Naples, FL	26	1,356	1,382	5%	42	1,272	1,314	4%
16.	New Orleans – CBD BG, LA	13	347	360	1%	20	359	379	1%
17.	New Orleans East, LA	44	2,055	2,099	7%	99	2,429	2,528	7%
18.	Panama City Beach, FL	22	2,292	2,314	8%	97	3,530	3,627	10%
19.	Pensacola, FL	28	1,371	1,399	5%	71	1,706	1,777	5%
20.	<b>Total</b>	<b>488</b>	<b>29,792</b>	<b>30,280</b>	<b>100%</b>	<b>1,342</b>	<b>35,483</b>	<b>36,825</b>	<b>100%</b>

**Chart 3: Number of Claims by Claimant Assistance Center**

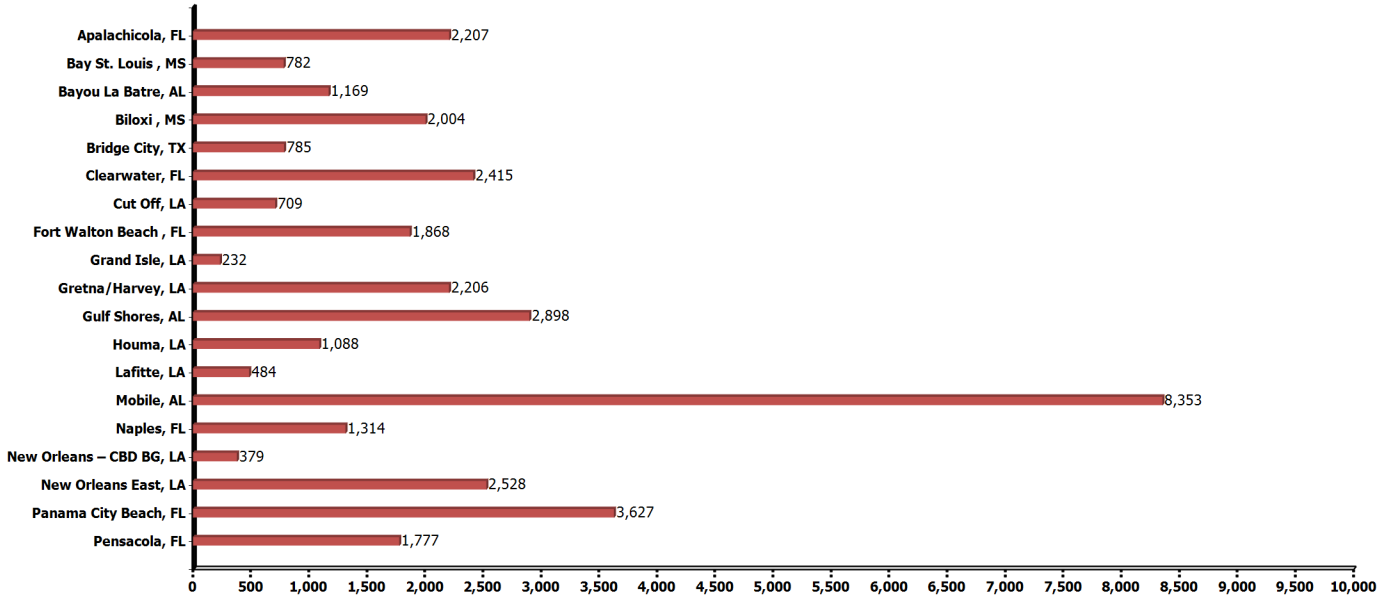


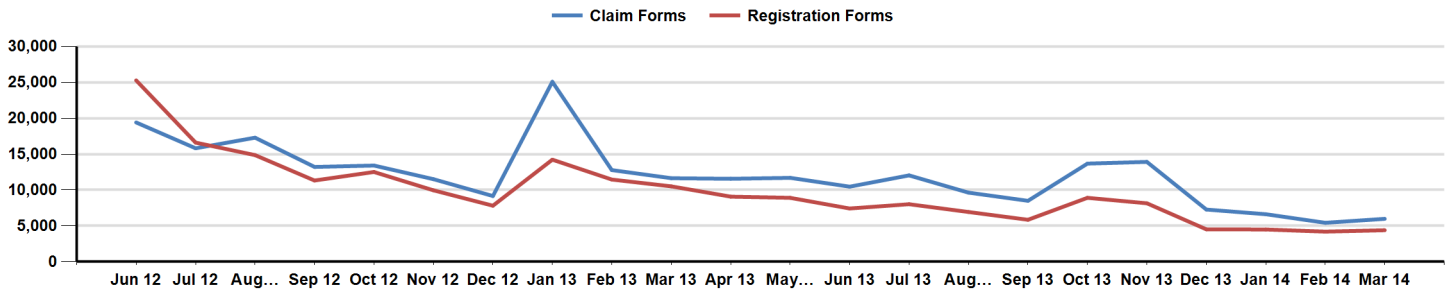
Table 4	Claim Type	Notices Issued											Total Claims Issued Notice
		Eligible - Payable	Eligible - No Payment	Incomplete	Denial					Opt-Outs	Withdrawn	Closed	
					Exclusion Denials	Prior GCCF Release	Causation Denials	Other Denials	Incomplete Denials				
1.	Seafood Compensation Program	9,154	1,121	748	48	2,444	0	479	4,752	1,169	2,606	1,674	24,195
2.	Individual Economic Loss	4,947	1,241	6,866	3,046	1,924	76	928	14,272	686	1,105	2,812	37,903
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	8	0	10	4	23	0	57	122	2	67	22	315
4.	Business Economic Loss	12,453	219	22,202	634	543	2,554	305	4,962	769	3,705	1,491	49,837
5.	Start-Up Business Economic Loss	520	18	1,764	49	41	96	30	820	89	112	237	3,776
6.	Failed Business Economic Loss	36	23	747	45	91	275	566	541	105	68	272	2,769
7.	Coastal Real Property	24,155	49	293	5	785	0	4,575	1,407	364	332	1,726	33,691
8.	Wetlands Real Property	2,799	1	147	10	65	0	1,387	54	58	157	902	5,580
9.	Real Property Sales	626	2	27	4	53	20	539	65	12	54	111	1,513
10.	Subsistence	2,397	34	6,090	16	1,247	0	30	1,865	189	212	434	12,514
11.	VoO Charter Payment	6,979	19	37	16	0	0	590	676	91	64	112	8,584
12.	Vessel Physical Damage	797	21	91	4	0	0	111	205	20	36	86	1,371
13.	<b>Total</b>	<b>64,871</b>	<b>2,748</b>	<b>39,022</b>	<b>3,881</b>	<b>7,216</b>	<b>3,021</b>	<b>9,597</b>	<b>29,741</b>	<b>3,554</b>	<b>8,518</b>	<b>9,879</b>	<b>182,048</b>



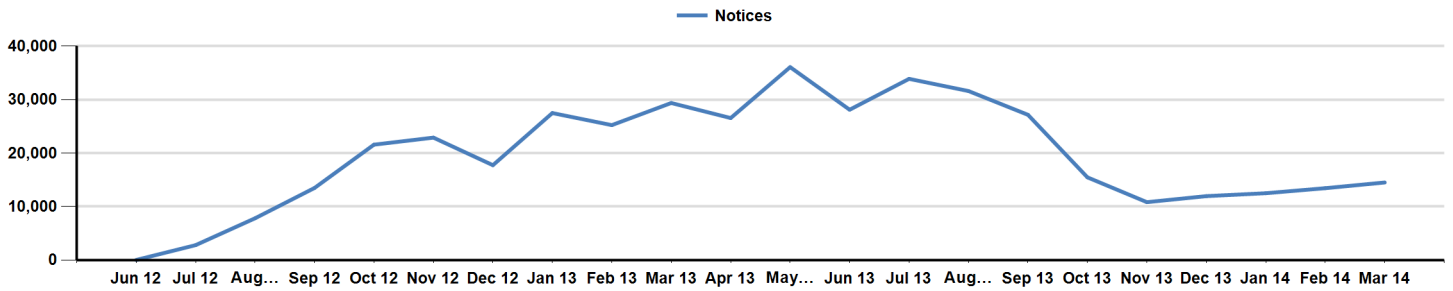
Payment Information								
Table 5	Claim Type	Eligibility Notices Issued with Payment Offer		Accepted Offers		Payments Made		
		Number	Amount	Number	Amount	Number	Amount	Unique Claimants Paid
1.	Seafood Compensation Program	9,154	\$1,116,470,823	8,058	\$1,094,556,340	7,681	\$1,073,576,772	4,524
2.	Individual Economic Loss	4,947	\$63,477,764	4,517	\$59,282,029	4,241	\$50,441,568	4,241
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	8	\$77,085	8	\$77,085	8	\$77,085	8
4.	Business Economic Loss	12,453	\$3,061,523,480	11,925	\$2,902,571,534	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	24,155	\$133,139,267	23,335	\$129,216,815	22,598	\$125,782,585	17,838
8.	Wetlands Real Property	2,799	\$153,840,774	2,624	\$104,505,085	2,486	\$102,231,201	1,045
9.	Real Property Sales	626	\$30,987,521	610	\$30,223,699	599	\$29,835,887	557
10.	Subsistence	2,397	\$17,531,491	2,144	\$15,992,754	2,012	\$14,884,899	2,012
11.	VoO Charter Payment	6,979	\$279,267,315	6,952	\$277,101,046	6,890	\$275,202,675	5,250
12.	Vessel Physical Damage	797	\$12,739,249	785	\$12,217,948	755	\$11,427,097	704
13.	<b>Total</b>	<b>64,871</b>	<b>\$4,993,900,024</b>	<b>61,483</b>	<b>\$4,742,811,251</b>	<b>57,640</b>	<b>\$3,853,261,086</b>	<b>43,054</b>

Appeals Received				
Table 6	Resolved Appeals			
	Appeal Status	BP Appeals	Claimant Appeals	Total Appeals
1.	Resolved by Panel decision	1,513	728	2,241
2.	Resolved by parties	387	74	461
3.	Withdrawn	272	34	306
4.	Administratively Closed	8	32	40
5.	Inactive Under Reconsideration/Re-Review	135	0	135
6.	Remand to Claims Administrator	120	25	145
7.	<b>Total</b>	<b>2,435</b>	<b>893</b>	<b>3,328</b>
Pending Appeals				
8.	In "Baseball" Process	1,270	87	1,357
9.	In "Non-Baseball" Process	0	106	106
10.	Submitted to Panel	90	97	187
11.	Under Discretionary Court Review	133	101	234
12.	<b>Total</b>	<b>1,493</b>	<b>414</b>	<b>1,884</b>
Grand Total				
13.		<b>3,928</b>	<b>1,284</b>	<b>5,212</b>

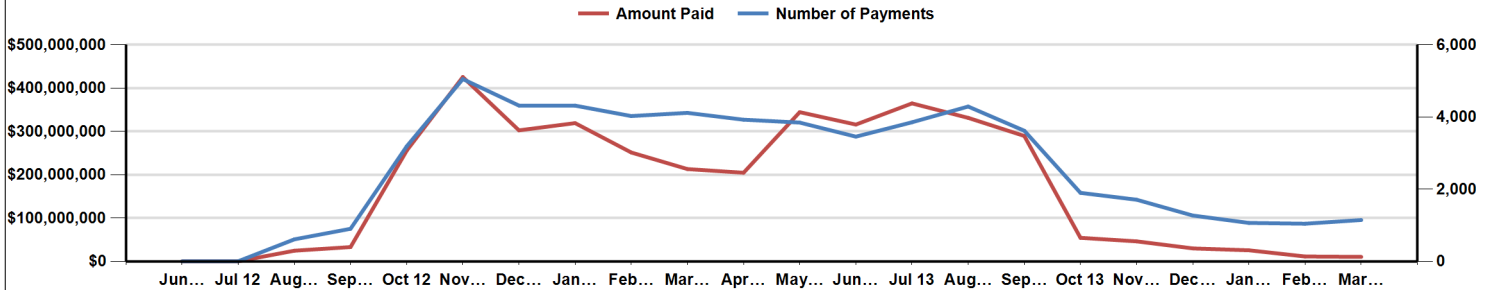
**Chart 4: Registration and Claim Forms Filed by Month**



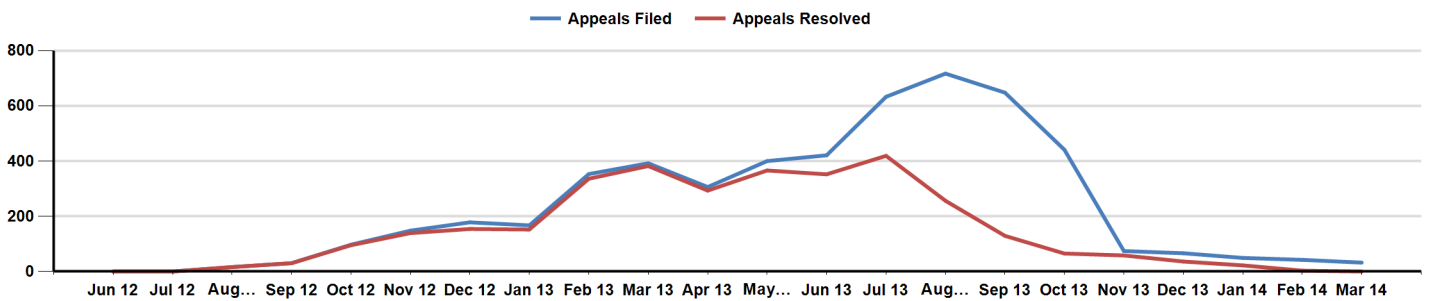
**Chart 5: Notices Issued by Month**



**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.