

**APPEAL PANEL *EN BANC* DECISION #3**

**NOVEMBER 22, 2013**

**I. *EN BANC* DETERMINATION**

In accordance with Rule 6 of the Appeal Panel Procedures, currently active Appeal Panelists may convene to discuss and vote on issues concerning the proper interpretation and application of the Settlement Agreement. The Appeal Panelists may invite written submissions from BP and Class Counsel ("the Parties") as well as the Claims Administrator as to the issues under consideration. These en banc issues are decided by a majority vote of the Appeal Panelists. The Appeal Panelists have reached the following en banc determination.

**II. TOPIC**

Condominium Owner Associations Tourism Designation

**III. DETERMINATION**

The determination of whether a condominium association qualifies for a tourism designation shall be made on a case-by-case basis. It will be helpful for the panel or panelists making this determination if the parties provide information to the Claims Administrator on the allocation of renters and/or owners to establish whether a significant percentage of the renters and/or owners are staying in the condominium from outside their home community.