

# **Instructions for Completing the Failed Business Economic Loss Claim Form (Red Form)**

## Table of Contents

Title	Page
1. Instructions for Submitting a Failed Business Economic Loss Claim	3
2. Definitions	4
3. Detailed Instructions for Answering Failed Business Economic Loss Claim Form Questions	8
4. Documents Required for a Failed Business Economic Loss Claim	14

## 1. Instructions for Submitting a Failed Business Economic Loss Claim

1.	<p>To make a <b>Failed Business Economic Loss Claim</b> under the Deepwater Horizon Economic and Property Damages Settlement Agreement (the "Settlement") for damages arising from the Deepwater Horizon Incident on April 20, 2010, (the "Spill"), you must complete and submit this Claim Form and all documentation required by the Settlement ("Supporting Documentation") to the Claims Administrator on or before <b>June 8, 2015</b>.</p> <p><b>The final deadline to file claims with the Settlement Program was June 8, 2015. Accordingly, the Claims Administrator is no longer accepting new claim submissions or Parcel Eligibility Request Forms at this time.</b></p> <p>The <b>Failed Business Economic Loss Claim</b> is for businesses (including those reporting on Form 1040 Schedules C, E, or F) that, after May 1, 2010, but before December 31, 2011, either: (1) ceased operations and wound down; (2) entered bankruptcy (through the filing of a petition for bankruptcy protection in a court or competent jurisdiction); or (3) otherwise initiated or completed a liquidation of substantially all of its assets.</p>		
2.	Do not use this Claim Form if you seek payment only for bodily injury arising from the Deepwater Horizon Incident. To get more information about the Medical Benefits Settlement and to determine whether you are eligible for benefits under that settlement, visit <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a> or call 1-877-545-5111. For TTY assistance, call 1-800-877-8973.		
3.	If you have access to a computer with an internet connection, it will be far easier for you to fill out and submit your Claim Form online, rather than on this paper Claim Form. The online claim process will guide you through the specific questions you need to answer, and will instruct you about the specific Supporting Documentation you must submit, based on the answers you enter as you go along. Go to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a> to submit a claim online.		
4.	If you choose to fill out a paper Claim Form, be sure to read the entire Claim Form and fill out every section needed to assert your claim, and also read Section 4 of this Instructions Booklet to find out what Supporting Documentation you have to submit along with your claim. If you need more space to answer any questions, put the answer on a separate page and attach it to your Claim Form.		
5.	As you complete your Claim Form and review the list of required Supporting Documentation, you may come across words that are unfamiliar to you. Section 2 of this Instructions Booklet defines many terms that are found in the Claim Form or in the Supporting Documentation descriptions. Consult these definitions if you need help understanding the meaning of a particular term.		
6.	Any term used in the Claim Form or in this Instructions Booklet that is defined in the Settlement will have the meaning set forth in the Settlement. If there is any conflict between the terms in the Settlement and the terms in the Claim Form or in this Instructions Booklet, the meaning set forth in the Settlement controls.		
7.	<p>Submit your Claim Form and all required Supporting Documentation by sending it to the Claims Administrator in one of these ways:</p> <hr style="border-top: 1px dashed black;"/> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p style="text-align: center;"><b>Regular Mail:</b></p> <p style="text-align: center;">Deepwater Horizon Economic Claims Center P.O. Box 10272 Dublin, OH 43017-5772</p> <p style="text-align: center;"><b>Overnight, Certified or Registered Mail:</b></p> <p style="text-align: center;">Deepwater Horizon Economic Claims Center c/o Claims Administrator 5151 Blazer Parkway Suite A Dublin, OH 43017</p> </td> <td style="width: 50%; vertical-align: top; padding-left: 20px;"> <p style="text-align: center;"><b>Fax:</b></p> <p style="text-align: center;">(888) 524-1583</p> <p style="text-align: center;"><b>Email Attachment:</b></p> <p style="text-align: center;"><a href="mailto:ClaimForms@deepwaterhorizoneconomicsettlement.com">ClaimForms@deepwaterhorizoneconomicsettlement.com</a></p> </td> </tr> </table> <hr style="border-top: 1px dashed black;"/>	<p style="text-align: center;"><b>Regular Mail:</b></p> <p style="text-align: center;">Deepwater Horizon Economic Claims Center P.O. Box 10272 Dublin, OH 43017-5772</p> <p style="text-align: center;"><b>Overnight, Certified or Registered Mail:</b></p> <p style="text-align: center;">Deepwater Horizon Economic Claims Center c/o Claims Administrator 5151 Blazer Parkway Suite A Dublin, OH 43017</p>	<p style="text-align: center;"><b>Fax:</b></p> <p style="text-align: center;">(888) 524-1583</p> <p style="text-align: center;"><b>Email Attachment:</b></p> <p style="text-align: center;"><a href="mailto:ClaimForms@deepwaterhorizoneconomicsettlement.com">ClaimForms@deepwaterhorizoneconomicsettlement.com</a></p>
<p style="text-align: center;"><b>Regular Mail:</b></p> <p style="text-align: center;">Deepwater Horizon Economic Claims Center P.O. Box 10272 Dublin, OH 43017-5772</p> <p style="text-align: center;"><b>Overnight, Certified or Registered Mail:</b></p> <p style="text-align: center;">Deepwater Horizon Economic Claims Center c/o Claims Administrator 5151 Blazer Parkway Suite A Dublin, OH 43017</p>	<p style="text-align: center;"><b>Fax:</b></p> <p style="text-align: center;">(888) 524-1583</p> <p style="text-align: center;"><b>Email Attachment:</b></p> <p style="text-align: center;"><a href="mailto:ClaimForms@deepwaterhorizoneconomicsettlement.com">ClaimForms@deepwaterhorizoneconomicsettlement.com</a></p>		
	Your claim will be reviewed more quickly if you submit all of your Supporting Documentation along with your Claim Form. If you need to submit any Supporting Documentation separately, put your name and Tax Identification Number on a cover sheet or on the first page of what you submit, so the Claims Administrator can properly place the documents in your file.		
8.	If you have any questions about how to submit your claim, go to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a> , or call toll free at 1-800-353-1262. Do not call the Court or any Judge's office to ask questions about how to complete this Claim Form, what documentation is required, or the status of your claim, in general.		

## 2. Definitions

1.	<b>Benchmark Period:</b> The pre-Spill time period that the claimant chooses as the baseline for measuring its historical financial performance. The claimant may select among the following Benchmark Periods: 2009; the average of 2008-2009; or the average of 2007-2009, provided that the range of years selected by the claimant will be utilized for all Benchmark Period purposes.
2.	<b>BP-branded Fuel Entities and Employees:</b> BP-branded Fuel Entities and Employees are businesses that sell or market fuel under the BP brand and individuals who were employees of those businesses during the time period from April 20, 2010, through April 16, 2012.
3.	<b>Charter Fishing Operation:</b> Vessel owners, captains, and deckhands that carry Passengers for Hire to engage in Recreational Fishing.
4.	<b>Claimant Accounting Support Services:</b> Reasonable and necessary accounting fees related to claims preparation, either directly to the claimant, or counsel if individually represented (and/or his or her or its accountant) and/or through services made available by and through Class Counsel.
5.	<b>Claiming Facility:</b> A separate and distinct physical location of a Multi-Facility Business that submits a claim as part of the Deepwater Horizon Economic and Property Damages Settlement.
6.	<b>Commencement Date:</b> The date that the <b>Failed Start-Up Business</b> began operations.
7.	<b>Commercial Fisherman:</b> A Natural Person or entity that holds a commercial fishing license issued by the United States and/or the State(s) of Alabama, Florida, Louisiana, Mississippi and/or Texas, and derives income from catching and selling <b>Seafood</b> that he or she caught.
8.	<b>Commercial Wholesale or Retail Dealer A:</b> An entity or Natural Person that holds a commercial wholesale or retail dealer license issued by the State(s) of Alabama, Florida, Louisiana, Mississippi and/or Texas, for which 75% or more of the 2009 cost or weight in pounds of the product it purchases constitutes <b>Seafood</b> purchased directly from a <b>Commercial Fisherman</b> or <b>Landing Site</b> , and re-sells to <b>Primary Seafood Processors, Seafood Distributors, Seafood Wholesalers, and Seafood Retailers.</b>
9.	<b>Commercial Wholesale or Retail Dealer B:</b> An entity or Natural Person that holds a commercial wholesale or retail dealer license issued by the State(s) of Alabama, Florida, Louisiana, Mississippi and/or Texas, for which less than 75% of the cost or weight in pounds of the product it purchases constitutes <b>Seafood</b> purchased directly from a <b>Commercial Fisherman</b> or <b>Landing Site</b> , and re-sells to <b>Primary Seafood Processors, Seafood Distributors, Seafood Wholesalers, and Seafood Retailers.</b>
10.	<b>Compensation Period:</b> A period of time selected by the claimant to include three or more consecutive months between May and December 2010.
11.	<b>Defense Contractors/Subcontractors:</b> Businesses and employers that derive in excess of at least 50% of their annual revenue from contracts with the United States Department of Defense.
12.	<b>Economic Loss Class:</b> Natural persons or entities suffering an economic loss which was a result of the Deepwater Horizon Incident, who are not otherwise excluded from participating in the Settlement administration.
13.	<b>Economic Loss Zones A, B, C, and D:</b> To determine in which Economic Loss Zone your business is located, go online to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a> , or call toll free at 1-800-353-1262.
14.	<b>Effective Date:</b> The date that the Settlement becomes effective, which is after the Court grants "final approval" of the Settlement and any appeals are resolved.
15.	<b>Facility:</b> A separate and distinct physical location of a Multi-Facility Business at which it performs or manages its operations.
16.	<b>Failed Business:</b> An entity that began operations before November 1, 2008, and that, after May 1, 2010, but before December 31, 2011, either (a) ceased operations and wound down, or (2) entered bankruptcy (through the filing of a petition for bankruptcy protection in a court of competent jurisdiction), or (3) otherwise initiated or completed a liquidation of substantially all of its assets.
17.	<b>Failed Start-Up Business:</b> An entity that began operations on or after November 1, 2008, and that, after May 1, 2010, but before December 31, 2011, either (1) ceased operations and wound down, or (2) entered bankruptcy (through the filing of a petition for bankruptcy protection in a court of competent jurisdiction), or (3) otherwise initiated or completed a liquidation of substantially all of its assets.

18.	<b>Financial Institutions:</b> This category of businesses and employers includes, by way of example: commercial banks; savings institutions; credit card issuers; credit insurers; factors or other sales finance entities; financial or investment advisers or portfolio managers; fund managers; investment banking entities; lending institutions; real estate mortgage or lending entities; brokers or dealers of securities, commodities, commodity contracts or loans; securities or commodities exchanges; entities serving as custodians, fiduciaries or trustees of securities or other financial assets; or entities engaged in other financial transaction intermediation, processing, reserve or clearinghouse activities. The following are <b>not</b> excluded as Financial Institutions: standalone ATMs, credit unions, pawn shops, businesses engaged predominantly in making payday loans or paycheck advances, and businesses that sell goods and services and offer financing on these purchases to their customers. A complete list of excluded Financial Institutions by NAICS code is available in Exhibit 18 of the Settlement Agreement.
19.	<b>Funds, Financial Trusts, and Other Financial Vehicles:</b> This category of business and employers includes by way of example: public-open end investment funds; investment funds; real estate investment trusts; REMICS; mutual funds; money market funds; derivatives; health and welfare funds; insurance funds; pension funds; financial trusts; and special purpose financial vehicles. The following are <b>not</b> excluded as Funds, Financial Trusts, and Other Financial Vehicles: successions, estates, testamentary trusts, trusts of Natural Persons, bankruptcy estates, limited liability companies, corporations, Sub-Chapter "S" corporations, partnerships, limited partnerships, joint ventures, and any other businesses or juridical Entities, shall not be excluded as Funds, Financial Trusts, and Other Financial Vehicles solely by reason of their form of legal or juridical structure or organization. A complete list of excluded Funds, Financial Trusts and Other Financial Vehicles by NAICS code is available in Exhibit 18 of the Settlement Agreement.
20.	<b>Gaming Entity:</b> This category of business and employers includes by way of example: casinos; casino hotels; off-track betting parlors; racetracks and other gambling establishments. The following are <b>not</b> excluded as Gaming Entities: bingo parlors; and video gaming at bars, bingo parlors, hotels, off-track betting parlors, racetracks, restaurants and truck stops. A complete list of excluded Gaming Entities by NAICS code is available in Exhibit 18 of the Settlement Agreement.
21.	<b>Gulf Coast Areas:</b> The States of Louisiana, Mississippi, and Alabama; the counties of Chambers, Galveston, Jefferson and Orange in the State of Texas; and the counties of Bay, Calhoun, Charlotte, Citrus, Collier, Dixie, Escambia, Franklin, Gadsden, Gulf, Hernando, Hillsborough, Holmes, Jackson, Jefferson, Lee, Leon, Levy, Liberty, Manatee, Monroe, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, Taylor, Wakulla, Walton, and Washington in the State of Florida, including all adjacent Gulf waters, bays, estuaries, straits, and other tidal or brackish waters within the States of Louisiana, Mississippi, Alabama or those described counties of Texas or Florida.
22.	<b>Insurance Entities:</b> This category of business and employers includes, by way of example: insurance carriers issuing disability, health, life, medical, property and casualty, title or other insurance; reinsurers; insurance agencies and brokerages; underwriting agencies or organizations; claims adjusters and processors; third-party insurance or fund administrators; or other insurance-related businesses. A complete list of excluded Insurance Entities by NAICS code is available in Exhibit 18 of the Settlement Agreement.
23.	<b>Landing Site:</b> A business at which boats first land their catch, including facilities for unloading and handling <b>Seafood</b> . A Landing Site may also include the provision of ice, fresh water, fuel, and boat repair or service in connection with the landing of <b>Seafood</b> .
24.	<b>Moratoria Loss:</b> This category includes any loss whatsoever caused by or resulting from federal regulatory action or inaction directed at offshore oil industry activity – including shallow water and deepwater activity – that occurred after May 28, 2010, including the federal moratoria on offshore permitting and drilling activities imposed on May 28, 2010, and July 12, 2010, and new or revised safety rules, regulations, inspections, or permitting practices. Claims of Natural Persons and Entities for Moratoria Losses shall be subject to a special review for the evaluation of economic loss claims for potential moratoria losses. All Natural Persons and Entities are barred from recovery for Moratoria Losses. A complete list of Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses is available in Exhibit 19 of the Settlement Agreement.
25.	<b>Multi-Facility Business:</b> A business entity that, during the period April 1, 2010, through December 31, 2010, maintained <b>Facilities</b> in more than one location and had at least one <b>Facility</b> within the Gulf Coast Areas.
26.	<b>NAICS Code:</b> NAICS is an abbreviation for North American Industry Classification System. It is a six-digit code used by various agencies to classify business establishments according to the primary revenue-producing business activity conducted by that entity. NAICS is a self-assigned system and NAICS codes are not assigned by a certain agency.
27.	<b>Non-local Customers:</b> Customers who reside more than 60 miles from a business's location.
28.	<b>Non-rural Claimant:</b> A business that is <b>not</b> located in an area outside an Urban Area or Urban Cluster, as defined by the U.S. Census Bureau's classification.

29.	<b>Oil and Gas Industry:</b> This category of businesses and employers includes firms engaged in the following activities, by way of example: extracting crude petroleum, natural gas, or other hydrocarbons; drilling wells; preparing, maintaining or constructing petroleum or natural gas well-sites or other mineral extraction sites; mining; maintaining or constructing petroleum or natural gas pipeline or distribution facilities; pipeline distribution of crude petroleum, refined petroleum, oil, or natural gas; petroleum or natural gas refining or other mineral refining and/or manufacturing; manufacturing petroleum lubricating oil and grease, petrochemical products, or other petroleum and coal products or chemical products derived from extracted minerals; merchant wholesaling of construction and mining (except oil well) machinery and equipment; wholesale distribution of oil well machinery, equipment, and supplies; wholesale distribution of petroleum, petroleum products, other extracted minerals, chemical products produced from extracted or refined minerals, petroleum bulk stations and terminals; petroleum and petroleum products merchant wholesalers. A complete list of excluded Oil and Gas Industry entities by NAICS code is available in Exhibit 17 of the Settlement Agreement.
30.	<b>Primary Seafood Industry:</b> Entities and Natural Persons that satisfy the definitions of <b>Landing Site, Commercial Wholesale or Retail Dealer A, and Primary Seafood Processor</b> , and Natural Persons employed by a <b>Landing Site, Commercial Wholesale or Retail Dealer A, or Primary Seafood Processor</b> , including <b>Seafood Dockside Workers</b> .
31.	<b>Primary Seafood Processor:</b> An entity or Natural Person that receives and prepares <b>Seafood</b> purchased from a <b>Commercial Fisherman, Landing Site, or Commercial Wholesale or Retail Dealer</b> including but not limited to: cleaning, cooking, canning, smoking, salting, drying or freezing, grading by size, packing, and storing <b>Seafood</b> for shipment.
32.	<b>Real Estate Developers:</b> This category of business and employers includes any Natural Person or Entity that develops commercial, residential, or industrial properties, including but is not limited to: any Entity developing an entire subdivision (as defined by the law of the state in which the parcel is located) of Real Property, including condominiums with multiple residential units and/or a residential subdivision with contiguous home sites and homes.
33.	<b>Rural Claimant:</b> A business located in an area outside an Urban Area or Urban Cluster, as defined by the U.S. Census Bureau's classification.
34.	<b>Seafood:</b> Fish and shellfish, including shrimp, oysters, crab, and finfish, caught in the Specified Waters of the Gulf of Mexico. Menhaden is not included in the definition of Seafood.
35.	<b>Seafood Distributor:</b> An entity or Natural Person that purchases <b>Seafood</b> in bulk quantities and sells it to retailers such as restaurants, fish shops, and supermarkets; also called a <b>Seafood Wholesaler</b> .
36.	<b>Seafood Dockside Workers:</b> A Natural Person performing services for a <b>Landing Site</b> .
37.	<b>Seafood Retailers:</b> An entity that is an end user of <b>Seafood</b> such as a restaurant, fish market, or super market for which 25% or more of total food costs for 2009 constitute <b>Seafood</b> .
38.	<b>Seafood Wholesaler:</b> An entity or Natural Person that purchases <b>Seafood</b> in bulk quantities and sells to retailers such as restaurants, fish shops, and supermarkets; also called a <b>Seafood Distributor</b> .
39.	<b>Secondary Seafood Industry:</b> Entities that satisfy the definitions of <b>Commercial Wholesale or Retail Dealer B, Secondary Seafood Processor, Seafood Wholesaler or Distributor, and Seafood Retailer</b> , and Natural Persons employed by a <b>Commercial Wholesale or Retail Dealer B, Secondary Seafood Processor, Seafood Wholesaler or Distributor, or Seafood Retailer</b> .
40.	<b>Secondary Seafood Processor:</b> An entity or Natural Person that purchases <b>Seafood</b> from a <b>Primary Seafood Processor</b> in order to add further value including, but not limited to, cleaning, cooking, canning, smoking, salting, drying or freezing, grading by size, packing, and storing <b>Seafood</b> for shipment.
41.	<b>Start-Up Business:</b> A business with less than eighteen months of operating history at the time of the Spill (business commenced operations after October 20, 2008). These businesses must file using the Start-up Business Economic Loss Claim Form (Gray Form) unless the business began operations after October 20, 2008, but before January 1, 2009, selects 2009 as the Benchmark Period, and can provide complete documentation.
42.	<b>Sweat Equity Contribution:</b> Payment to Start-Up Business owners who provided services to the Start-Up Business prior to when the business began operations but received no compensation or less than fair market value compensation.
43.	<b>Sweat Equity Contribution Start Date:</b> The date when the owner first began performing sweat equity work or the date six months prior to the <b>Commencement Date</b> , whichever yields the shorter time period.
44.	<b>Sweat Equity Benchmark Period:</b> The time period from the <b>Sweat Equity Benchmark Period Start Date</b> through the <b>Sweat Equity Benchmark Period End Date</b> .
45.	<b>Sweat Equity Benchmark Period Start Date:</b> This date is either (a) January 1 of the calendar year preceding the year in which the <b>Sweat Equity Contribution Start Date</b> occurred, or (b) January 1 of any year prior to the year identified in (a) above, but not preceding January 1, 2007.

46.	<b>Sweat Equity Benchmark Period End Date:</b> The last date in the last full month preceding the <b>Sweat Equity Contribution Start Date</b> . For example, if the Sweat Equity Contribution Start Date was August 10, 2009, the Sweat Equity Benchmark Period End Date will be July 31, 2009.
47.	<b>Tourism:</b> Tourism includes businesses that provide services such as attracting, transporting, accommodating, or catering to the needs or wants of persons traveling to, or staying in, places outside their home community. To determine if your business falls within the Tourism Definition, go online to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a> , or call toll free at 1-800-353-1262.
48.	<b>Variable Expenses:</b> These are costs that change in proportion to the activity of a business, such as 1) the Variable Costs identified in Exhibit 4D of the Settlement; 2) the variable portion of salaries, calculated as described in the definition of Fixed and Variable Payroll Expenses in Exhibit 4C of the Settlement; and 3) the variable portion of the Costs of Goods Sold, calculated by excluding salary costs (as described in the definition of Fixed and Variable Payroll Expenses in Exhibit 4C of the Settlement) and fixed expenses included within Cost of Goods Sold, including Amortization, Depreciation, Insurance Expenses, and Interest Expense and Contract Services.
49.	<b>Variable Profit:</b> This is calculated for both the Benchmark Period and the Compensation Period as follows: 1) Sum the monthly revenue over the period; 2) Subtract the corresponding <b>Variable Expenses</b> from revenue over the same time period.

### 3. Detailed Instructions for Answering Failed Business Economic Loss Claim Form Questions

The following instructions will take you step-by-step through the Failed Business Economic Loss Claim Form. The sections and numbers in these instructions refer to the same sections and numbers in the Claim Form.

**The final deadline to file claims with the Settlement Program was June 8, 2015. Accordingly, the Claims Administrator is no longer accepting new claim submissions or Parcel Eligibility Request Forms at this time.**

#### A. Claimant Information

1.	<b>Business Name</b>	Print the full name of your business in the box labeled "Business Name."
2.	<b>Social Security Number</b> <i>or</i> <b>Individual Taxpayer Identification Number</b> <i>or</i> <b>Employer Identification Number</b>	<p>If you file your business's taxes using your personal Social Security Number or Individual Taxpayer Identification Number, provide your Social Security Number or Individual Taxpayer Identification Number by putting one digit in each space. There are nine spaces provided in this format: XXX-XX-XXXX.</p> <p>If you file your business's taxes using an Employer Identification Number, provide your business's Employer Identification Number by putting one digit in each space. There are nine spaces provided in this format: XX-XXXXXXX.</p>
3.	<b>Claimant Number</b>	<p>If you filed a claim with the GCCF, your GCCF Claimant Number will also be your Claimant Number in the Deepwater Horizon Settlement Program. If you did not file a claim with the GCCF, you will receive a new nine-digit Claimant Number when you file your initial Registration Form with the Deepwater Horizon Settlement Program.</p> <p>If you filed a claim with the GCCF, check the box next to "GCCF Claimant Number" and write your seven-digit Claimant Number in the spaces provided. Write one number in each space.</p> <p>If you already have a Deepwater Horizon Settlement Program Claimant Number, check the box next to "Deepwater Horizon Settlement Program Claimant Number" and write your nine-digit Claimant Number in the spaces provided. Write one number in each space.</p> <p>If you do not already have a Deepwater Horizon Settlement Program Claimant Number and you did not file a claim with the GCCF, leave this question blank.</p>



## B. Information Required for a Failed Business Economic Loss Claim

If you are asserting a Failed Business Economic Loss Claim for more than one Facility and need additional pages, photocopy Sections B and C of the Claim Form before completing them and attach the copy to the Claim Form for submission. Make one copy for each additional Facility.

1.	<b>You cannot make an economic loss claim for a business that falls into any of the categories listed below.</b>	<p>You must determine if your business falls into any of the following categories:</p> <ul style="list-style-type: none"> <li>(a) Financial Institution.</li> <li>(b) Fund, financial trust, or other financial vehicle.</li> <li>(c) Gaming.</li> <li>(d) Insurance.</li> <li>(e) Oil and gas industry.</li> <li>(f) Defense contractor or subcontractor.</li> <li>(g) Real estate development.</li> <li>(h) Selling or marketing BP-branded fuel at anytime from April 20, 2010, through April 16, 2012.</li> </ul> <p>If any of those above categories apply, check the box next to the applicable category.</p> <p>If you check the box next to any of those categories, your business is not eligible to make an Economic Loss Claim, and you should not complete or submit this Claim Form. If you did not check the box next to any of the descriptions, proceed to Question 2.</p>
2.	<b>During the period from April 1, 2010, through December 31, 2010, did your business maintain more than one separate and distinct physical location?</b>	<p>Check "Yes" if your business operated in more than one separate and distinct physical location from April 1, 2010, through December 31, 2010. Check "No" if your business only operated in one location from April 1, 2010, through December 31, 2010. Check "No" if your business only operated in one location from April 1, 2010, through December 31, 2010, but subsequently began operations at other Facilities.</p> <p>If you check "No" to this question, go to Question 7.</p>
3.	<b>Is your business's headquarters located within the Gulf Coast Areas?</b>	<p>To answer this question, you will need to know the address of your business's headquarters. Identify the location of your business's headquarters on the map provided in Exhibit 22 of the Settlement Agreement. Check "Yes" if your business's headquarters are located within the Gulf Coast Areas as designated on the map. Check "No" if your business's headquarters are located outside of the Gulf Coast Areas.</p>
4.	<b>Are all of your business's Facilities located within the Gulf Coast Areas?</b>	<p>To answer this question, you will need to know all of the addresses of your business's Facilities. Identify the locations of your business's Facilities on the map provided in Exhibit 22 of the Settlement Agreement. Check "Yes" if all of your business's Facilities are located within the Gulf Coast Areas as designated on the map. Check "No" if one or more of your business's Facilities are located outside of the Gulf Coast Areas.</p>
5.	<b>Does your business maintain separate profit and loss statements for each Claiming Facility?</b>	<p>To answer this question, you will need to know how your business maintains its financial records. Check "Yes" if your business maintains separate profit and loss statements for each Facility that is submitting a claim. Check "No" if your business maintains consolidated profit and loss statements for its Facilities, meaning that there are not individual profit and loss statements for each Claiming Facility.</p>

6.	<b>Is your business submitting a claim for all Facilities located within the Gulf Coast Areas?</b>	<p>A Multi-Facility Claim is a consolidated claim submitted for one business entity that has multiple Facilities. If you check "Yes" for this question, you are indicating that you are submitting single, consolidated Claim for <i>all</i> of your business's Facilities that are located within the Gulf Coast Areas. If you wish to file a claim for each Facility separately, check "No." You may not file a consolidated Claim for only a subset of the Facilities located within the Gulf Coast Areas.</p> <p>If you check "Yes" for Question 3, you may file a consolidated claim for all Facilities or you may elect to file individual claims for each Claiming Facility separately. If you check "No" for Question 3, information must be provided on a Facility-by-Facility basis, but you may send in each of those claims together to facilitate efficient processing.</p>
7.	<b>What is the address of your business?</b>	<p>For businesses with just one location, this is the address of the business.</p> <p>Provide the address of your business. If you are a Multi-Facility business, provide the address of each Facility for which you are claiming, regardless of whether you have elected to have your Facilities in the Gulf Coast Area evaluated as a consolidated claim or as separate Facilities.</p> <p>Provide the Business Name, Street, City, State and Zip Code. Provide the Parish or County, if applicable and if you know this information. Provide the phone number to this business location.</p>
8.	<b>In which Economic Loss Zone is your business located?</b>	<p>To determine the Economic Loss Zone where your business is located, go online to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a>, or call toll free at 1-800-353-1262. For consolidated claims of a Multi-Facility Business use the address of the corporate headquarters; for single location Facility use the address of the Facility. Check the box next to the Economic Loss Zone in which your business is located.</p>
9.	<b>Provide the NAICS (North American Industry Classification System) Code for your business that forms the basis of your Economic Loss Claim.</b>	<p>NAICS is an abbreviation for North American Industry Classification System. It is a six-digit code used by various agencies to classify business establishments according to the primary revenue-producing business activity conducted by that entity. NAICS is a self-assigned system and NAICS codes are not assigned by a certain agency.</p> <p>To answer this question, go to <a href="http://www.census.gov/naics">www.census.gov/naics</a> and you can search for your code. Describe the nature of your business in the area below this question on the Claim Form.</p> <p>Consult the definition in Section 2 above to determine if your business meets the Oil &amp; Gas Industry definition.</p>
10.	<b>In 2009, did your business provide significant services, goods, and/or supplies to businesses in the offshore Oil &amp; Gas Industry in the Gulf of Mexico?</b>	<p>Businesses/employers that the Claims Administrator determines to fall within the NAICS codes and descriptions marked with an "x" in Exhibit 19, Section II (Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses) must answer this question. Check "Yes" if your business provided significant services, goods, and/or supplies to businesses in the offshore Oil &amp; Gas Industry in the Gulf of Mexico. Check "No" if your business did not provide significant services, goods, and/or supplies to businesses in the offshore Oil &amp; Gas Industry in the Gulf of Mexico.</p>
11.	<b>Did your business begin operations on or after November 1, 2008, and subsequently ceased operations, declared bankruptcy or completed a liquidation of substantially all of its assets since May 1, 2010?</b>	<p>This question is asking if your business began operations on or after November 1, 2008 and since May 1, 2010, your business: (1) ceased operations; (2) declared bankruptcy; or (3) completed a liquidation of substantially all of its assets. In order to file a Failed Start-Up Business Economic Loss Claim Form, your business must have commenced operations on or after November 1, 2008 and satisfy at least one of the three listed requirements. If you check "No" for this question, do not answer Questions 12-15.</p>

12.	<b>What is the Commencement Date of the Failed Start-Up Business?</b>	<p>If you are seeking <b>Sweat Equity Compensation</b>, you must provide the Commencement Date of the Failed Start-Up Business. Sweat Equity Compensation provides payment to Start-Up Business owners who provided services to the Start-Up Business prior to when the business began operations but received no compensation or less than fair market value compensation. See Exhibit 6 of the Settlement Agreement for more information.</p> <p>The Commencement Date is the day that the Failed Start-Up Business began operations.</p>
13.	<b>If your business began operations after November 1, 2008, what is the Sweat Equity Contribution Start Date?</b>	<p>If you are seeking Sweat Equity Compensation, you must provide the <b>Sweat Equity Contribution Start Date</b>. The Sweat Equity Contribution Start Date is the date when the owner first began performing sweat equity work or the date six months prior to the Commencement Date, whichever yields the shorter time period.</p>
14.	<b>What is the Sweat Equity Benchmark Period Start Date?</b>	<p>If you are seeking Sweat Equity Compensation, you must provide the <b>Sweat Equity Benchmark Period Start Date</b>. The Sweat Equity Benchmark Period Start Date is either: (1) January 1 of the calendar year preceding the year in which the Sweat Equity Contribution Start Date occurred; or (2) January 1 of any year prior to the year identified in (a) above but not preceding January 1, 2007.</p>
15.	<b>What is the Sweat Equity Benchmark Period End Date?</b>	<p>If you are seeking Sweat Equity Compensation, you must provide the <b>Sweat Equity Benchmark Period End Date</b>. The Sweat Equity Benchmark Period End Date means the end of the last full month preceding the Sweat Equity Contribution Start Date.</p>
16.	<b>Did your business participate in the Vessels of Opportunity ("VoO") program?</b>	<p>If your business participated in the Vessels of Opportunity ("VoO") program, check "Yes" for this question. VoO is the program through which BP, or its contractors, contracted with vessel owners to assist in Deepwater Horizon Incident response efforts. If your business did not participate in the VoO program, check "No" for this question.</p>
	<b>Identify any months after the Spill in which your business received revenue from the VoO program, and the amount of that revenue.</b>	<p>If your business participated in and received payment from the VoO program, check the box next to the months for which your business received payments and enter the amounts in the fields next to the corresponding months. If your business did not receive any VoO payments, leave these fields blank.</p>
	<b>Identify any months after the Spill in which your business incurred expenses because of participation in the VoO program, and the amount of those expenses.</b>	<p>If your business participated in and incurred expenses because of your participation in the VoO program, check the box next to the months for which you incurred expenses and enter the amounts in the fields next to the corresponding months. If your business did not incur any expenses because of your business's VoO participation, leave these fields blank.</p>
17.	<b>Identify other sources of income to your business that can be used to reconcile tax returns with business financial statements, if any.</b>	<p>If the financial information contained in your business's tax returns differs from the financial information contained in your business's financial statements, you must identify any other sources of business income to account for this discrepancy.</p>

18.	<p><b>Is your business a Landing Site, Commercial Wholesale or Retail Dealer A, or a Primary Seafood Processor?</b></p>	<p>A <b>Commercial Fisherman</b> is defined as a Natural Person or Entity that (1) holds a commercial fishing license issued by the United States and/or the State(s) of Alabama, Florida, Louisiana, Mississippi and/or Texas and (2) derives income from catching and selling Seafood that he or she caught. If both of those things are true, check "Yes."</p> <p>A <b>Landing Site</b> is defined as a business at which boats first land their catch, including facilities for unloading and handling Seafood. A <b>Landing Site</b> may also include the provision of ice, fresh water, fuel, and boat repair/service in connection with the landing of <b>Seafood</b>. If you are in such a business, check "Yes."</p> <p>A <b>Commercial Wholesale or Retail Dealer A</b> is defined as an entity or Natural Person that (1) holds a commercial wholesale or retailer dealer license issued by the State(s) of Alabama, Florida, Louisiana, Mississippi, and/or Texas, (2) for which 75% or more of the 2009 cost or weight in pounds of the product it purchases constitutes Seafood purchased directly from Commercial Fishermen or Landing Sites, and (3) re-sells it to Primary Seafood Processors, Seafood Distributors, Seafood Wholesalers and Seafood Retailers. If all three of those things are true, then check "Yes."</p> <p>A <b>Primary Seafood Processor</b> is defined as an entity or Natural Person that receives and prepares Seafood purchased from a Commercial Fisherman, Landing Site or Commercial Wholesale or Retail Dealer, including, but not limited to, cleaning, cooking, canning, smoking, salting, drying or freezing, grading by size, packing, and storing Seafood for shipment. If you are in such a business, check "Yes."</p> <p>If you are not in any of the above businesses, check "No."</p>
19.	<p><b>Is your business a Commercial Wholesale or Retail Dealer B, a Secondary Seafood Processor, a Seafood Wholesaler or Distributor, or a Seafood Retailer?</b></p>	<p>A <b>Commercial Wholesale or Retail Dealer B</b> is defined as an entity or Natural Person that (1) holds a commercial wholesale or retail dealer license issued by the State(s) of Alabama, Florida, Louisiana, Mississippi, and/or Texas, (2) for which less than 75% of the cost or weight in pounds of the product it purchases constitutes Seafood purchased directly from a Commercial Fisherman or Landing Site, and (3) re-sells it to Primary Seafood Processors, Seafood Distributors, Seafood Wholesalers and Seafood Retailers. If all three of those things are true, then check "Yes."</p> <p>A <b>Secondary Seafood Processor</b> is defined as an entity or Natural Person that purchases Seafood from a Primary Seafood Processor in order to add further value, including, but not limited to, cleaning, cooking, canning, smoking, salting, drying or freezing, grading by size, packing, and storing Seafood for shipment. If you are in such a business, check "Yes."</p> <p>A <b>Seafood Wholesaler or Distributor</b> is defined as an entity or Natural Person that purchases Seafood in bulk quantities and sells it to retailers such as restaurants, fish shops, and supermarkets. If you are in such a business, check "Yes."</p> <p>A <b>Seafood Retailer</b> is defined as an entity (1) that is an end user of Seafood, such as a restaurant, fish market, or supermarket, (2) for which 25% or more of total food costs for 2009 constitute Seafood. If both of those things are true, check "Yes."</p> <p>If you are not in any of the above businesses, check "No."</p>
20.	<p><b>Does your business fall within the Tourism Definition?</b></p>	<p>Tourism includes businesses that provide services such as attracting, transporting, accommodating or catering to the needs or wants of persons traveling to, or staying in, places outside their home community. To determine if your business falls within the Tourism Definition, go online to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a>, or call toll free at 1-800-353-1262. If you are not in one of those businesses, check "No."</p>
21.	<p><b>Is your business a Charter Fishing Operation?</b></p>	<p>A <b>Charter Fishing Operation</b> is defined as vessel owners, captains and deckhands that carry Passenger(s) for Hire to engage in Recreational Fishing. If you are in such a business, check "Yes." If you are not in such a business, check "No."</p>

## C. Documentation Required for a Failed Business Economic Loss Claim

You are required to submit Supporting Documentation with your Claim Form. The documentation requirements can be found in Section 4 of this Instructions Booklet. If you do not submit the required documents, the Claims Administrator will not be able to review your claim and you may not be compensated for any losses.

## D. Payment

1.	<b>If You Have Your Own Attorney</b>	Only answer Question E.1 if you have your own attorney. If an attorney is representing you in connection with your Spill-related lawsuit or claim, the Claims Administrator will make payments to both you and your attorney. If you agree to this, you do not need to do anything. If you would rather the Claims Administrator make payments only to your attorney, check the box.
2.	<b>If You Do Not Have Your Own Attorney</b>	If you are not represented by an attorney, you must read Item 2 carefully.
3.	<b>Garnishments, Liens, and other Attachments</b>	Garnishments, liens and other attachments to your claim will be deducted from any payment you receive.
4.	<b>W-9 Form Requirement</b>	All claimants must submit a W-9 Form. To obtain a copy of that form, go to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a> , or by calling 1-800-353-1262.
5.	<b>Do you intend to seek reimbursement for Claimant Accounting Support Services in connection with your claim?</b>	Check "Yes" if you intend to seek reimbursement for Claimant Accounting Support Services in connection with your claim. If you check "Yes," you must submit the documents listed in Section 4.F of this Instructions Booklet.  Check "No" if you do not intend to seek reimbursement for Claimant Accounting Support Services.

## 4. Documentation Required for a Failed Business Economic Loss Claim

Review the claimant categories below and find the sections that best fit the answers you provided on your Claim Form. The documents listed in the applicable sections are required for an evaluation of your claim. You may use the checkboxes next to the document descriptions to keep track of what you need to submit.

### Claimant Categories

- A. All Claimants.** All Failed Business Claimants must submit the documents in this Section.
- B. Claimants Submitting a Claim for a Multi-Facility Business.** Claimants who check "Yes" for Claim Form Question 1 must submit the documents in this Section.
- C. Retail and Lodging Claimants.** Retail and Lodging Claimants must submit the documents in this section.
- D. Claimants Not Entitled to Causation Presumption.** Claimants who are not entitled to the Causation Presumption must submit the documents in this section.
- E. Claimants Seeking Sweat Equity Compensation.** Claimants who assert Sweat Equity Compensation must submit the documents in this Section.
- F. Claimants Seeking Reimbursement for Claimant Accounting Support Services.** Claimants seeking reimbursement for Claimant Accounting Support Services must submit the documents in this section.

### A. Documents Required of all Failed Business Claimants

Basic business documents required for all Failed Business Economic Loss Claims are listed here. Additional documents may be required based on choices you made when filling out the Claim Form or to provide necessary detail or explanation during the claims process.

<input type="checkbox"/>	<p>(1) An affidavit from the business's authorized representative certifying the following:</p> <ul style="list-style-type: none"> <li>(a) The position of the affiant, his or her relationship to the business, and certification that the affiant is authorized to act on behalf of the business; and;</li> <li>(b) The date on which the entity was incorporated and the date on which it began operations; and</li> <li>(c) Certification that, as of May 1, 2010:                             <ul style="list-style-type: none"> <li>(1) No bankruptcy filing, asset liquidation, or debt restructuring had been initiated (a renewal of a business loan will not be deemed restricting); and</li> <li>(2) The business was in full compliance with all covenants as to financial conditions governing outstanding borrowing or credit agreements prior to the Spill; and</li> <li>(3) All documentation submitted consists of or was derived from documents maintained in the ordinary course of business.</li> </ul> </li> </ul> <p><b>To obtain the Failed Business Economic Loss Authorized Business Representative Sworn Written Statement (SWS-18), go to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a>, or call toll free at 1-800-353-1262.</b></p>
<input type="checkbox"/>	(2) Documents reflecting corporate or partnership organization ( <i>e.g.</i> , articles of incorporation or partnership agreements).
<input type="checkbox"/>	(3) Actual annual and monthly financial statements (including income statements and balance sheets) for at least all of 2009 and January-April of 2010 or, if the Business is a Failed Start-Up Business, for all months of operation prior to May 1, 2010. Upon agreement of the Parties on 9/17/12, annual profit and loss statements are not required if 12 monthly profit and loss statements are provided. You may prepare financial statements from contemporaneous business records currently maintained, as long as you provide the documents or information upon which any subsequently-prepared financial statements are based.
<input type="checkbox"/>	(4) Actual annual and monthly financial statements (including income statements and balance sheets) for May 2010 through present, or through the liquidation of the company or cessation of the operation, whichever occurs first. You may prepare financial statements from contemporaneous business records currently maintained, as long you provide the documents or information upon which any subsequently-prepared financial statements are based.

<input type="checkbox"/>	(5) Any and all credit agreements, promissory notes, lease agreements, letters of credit and other loan documentation, including any notices of default, in existence as of April 20, 2010, or entered into thereafter including amendments related thereto.
<input type="checkbox"/>	(6) Any and all projections, forecasts or budgets prepared prior to April 20, 2010, projecting, predicting or forecasting the financial performance of the business for any period after April 20, 2010.
<input type="checkbox"/>	(7) To the extent applicable, any and all bankruptcy schedules, including the original petition, any confirmed plans of liquidation or reorganization, and any documentation evidencing standing to pursue claims if vested with any entity or other party other than the debtor filing bankruptcy.
<input type="checkbox"/>	(8) Evidence of any asset sales, including a description of each asset and the corresponding sales prices, and evidence of any payments of liquidation proceeds in satisfaction of debt and/or other creditor obligations.
<input type="checkbox"/>	(9) A listing of any assets which your business had not liquidated at the time of the claim submission, including a description of each asset, the recorded net book value of each asset, and, if applicable, all certified appraisals of the value of each asset.
<input type="checkbox"/>	(10) A listing of any debt and/or trade creditor obligations outstanding at the time of the claim submission.
<input type="checkbox"/>	(11) If your business has not filed for bankruptcy protection, provide the following: (a) Documentation reflecting your company's entry into the liquidation process; and (b) Any and all documentation reflecting your standing authority as the business representative to pursue any claims of the business; and (c) Any documentation evidencing authority to pursue claims if such authority is vested with an entity or party other than your business.
<input type="checkbox"/>	(12) Documentation of payments received or costs incurred from your business's participation in the VoO program, payments received from BP as part of its OPA claims process, payments from the GCCF, and any other sources of income that can be used to reconcile tax returns with business financial statements, <i>if</i> you have received any such payments.
<input type="checkbox"/>	(13) W-9 Form. To obtain a copy of your W-9 Form, go to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a> , or by calling 1-800-353-1262. If you are making multiple claims under the Settlement, you only need to submit the W-9 Form once.

### B. Documents Required for a Claimant Submitting a Claim for a Multi-Facility Business

If your Failed Business is a Multi-Facility Business that fits one of the following descriptions, provide the documents listed below the applicable description. If your business does not fit any of the following descriptions, provide the additional documentation listed on the following page.

<input type="checkbox"/>	(1) Your Multi-Facility Business has its headquarters and all of its Facilities located within the Gulf Coast Areas and maintained separate contemporaneous profit and loss statements for each Facility during the Benchmark Period and 2010.  <b>Submit:</b> (a) Separate profit and loss statements that were prepared and maintained in the normal course of business for each Facility during the Benchmark Period and 2010 (b) A chart or description detailing all Facilities included in the Multi-Facility Business. Check the box next to the applicable description.
<input type="checkbox"/>	(2) Your Multi-Facility Business has its headquarters and all of its Facilities located within the Gulf Coast Areas and did not maintain separate contemporaneous profit and loss statements for each Facility during the Benchmark Period and 2010, and you choose to file a consolidated claim.  <b>Submit:</b> (a) Consolidated profit and loss statements that were prepared and maintained in the normal course of business for all Facilities during the Benchmark Period and 2010 (b) A chart or description detailing all Facilities included in the Multi-Facility Business. Check the box next to the applicable description.

<input type="checkbox"/>	<p>(3) Your Multi-Facility Business has its headquarters located within the Gulf Coast Areas, has one or more Facilities located outside of the Gulf Coast Areas, and maintained separate contemporaneous profit and loss statements for each Facility during the Benchmark Period and 2010, and you choose to file separate claims for one, some, or all of its Facilities.</p> <p><b>Submit:</b></p> <p>(a) Separate profit and loss statements that were prepared and maintained in the normal course of business for each Facility during the Benchmark Period and 2010</p> <p>(b) A chart or description detailing all Facilities included in the Multi-Facility Business. Check the box next to the applicable description.</p>
<input type="checkbox"/>	<p>(4) Your Multi-Facility Business has its headquarters located outside of the Gulf Coast Areas and maintained separate contemporaneous profit and loss statements for each Facility in the Gulf Coast Areas during the Benchmark Period and 2010, and you choose to file separate claims for one, some, or all of its Facilities located within the Gulf Coast Areas.</p> <p><b>Submit:</b></p> <p>(a) Separate profit and loss statements that were prepared and maintained in the normal course of business for each Facility during the Benchmark Period and 2010</p> <p>(b) A chart or description detailing all Facilities included in the Multi-Facility Business. Check the box next to the applicable description.</p>

**All other Multi-Facility Businesses must provide the following additional documentation:**

<input type="checkbox"/>	<p>(1) A chart or description detailing all Facilities included in the Multi-Facility Business;</p> <p>(2) Consolidated financial statements specifying profit and loss for all Facilities and detailing eliminating entries;</p> <p>(3) A Sworn Written Statement that separate profit and loss statements for each of the claiming Facilities do not exist, and individual Facility profit and loss statements prepared for the purpose of filing a claim are based on the business's books and records;</p> <p>(4) A listing of all intercompany transactions between Facilities included in the Multi-Facility Business;</p> <p>(5) A listing of all shared costs between Facilities of the Multi-Facility Business and the calculations used to allocate those expenses between Facilities. Where a Multi-Facility Business prepares individual Facility profit and loss statements based on its books and records to support a claim, all shared costs shall be allocated among all Facilities based on their share of the total revenue of the Multi-Facility Business.</p> <p><b>To obtain a copy of the Business Economic Loss Additional Multi-Facility Business Documentation Sworn Written Statement (SWS-27), go to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a>, or call toll free at 1-800-353-1262.</b></p>
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**C. Documents Required for Retail and Lodging Claimants**

Any Failed Business that falls within any of the specific business types listed below must submit the following additional documents for the claimed Benchmark Period years, 2010, and, if applicable, 2011. Select which applies and check the box to indicate you are submitting the required documents with your claim.

<input type="checkbox"/>	<p>(1) <b>Retail:</b> provide monthly sales and use tax returns;</p>
<input type="checkbox"/>	<p>(2) <b>Lodging (includes hotels, motels, and vacation rental properties):</b> Provide (1) lodging tax returns unless the property is managed by a property management company in which case these returns are not required; (2) occupancy reports or historical rental records, on a per unit basis if available, unless the property is managed by a property management company in which case these records are not required; (3) for properties rented through a property management company, 1099s for the subject rental property, and monthly or annual statements for the subject property as generated by the management company; and (4) documentation to identify how the rental property is managed, such as management contract from a third party management company or a Sworn Written Statement from an owner that manages its own property.</p> <p><b>To obtain a copy of the Business Economic Loss Property Owner-Manager Sworn Written Statement (SWS-22), go to <a href="http://www.deepwaterhorizonsettlements.com">www.deepwaterhorizonsettlements.com</a>, or call toll free at 1-800-353-1262.</b></p>



## D. Causation Tests and Additional Document Requirements

**Failed Businesses and Failed Start-Up Businesses must demonstrate the connection between the Spill and their economic results. This connection is presumed for certain industries and geographic locations, or may be proven several different ways.**

**(a) Business Entitled to the Causation Presumption:** If your business meets any of the following definition, it is entitled to Causation Presumption. Indicate the presumption that applies by checking the box next to the applicable description.

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | (1) The Failed Business or Failed Start-Up Business is located in Economic Loss Zone A; or   |
| <input type="checkbox"/> | (2) The Failed Business or Failed Start-Up Business is a Commercial Fisherman, Landing Site, Commercial Wholesale or Retail Dealer A, or Primary Seafood Processor as set forth in the Seafood Distribution Chain Definitions in Section 2 of this Instructions Booklet; or  |
| <input type="checkbox"/> | (3) The Failed Business or Failed Start-Up Business is located in Economic Loss Zones A, B, or C and is a Commercial or Wholesale or Retail Dealer B, a Secondary Seafood Processor, a Seafood Wholesaler or Distributor, or a Seafood Retailer as set forth in the Seafood Distribution Chain Definition as set forth in Section 2 of this Instructions Booklet; or |
| <input type="checkbox"/> | (4) The Failed Business or Failed Start-Up Business is located in Economic Loss Zones A or B and meets the Tourism Definition as set forth in Section 2 of this Instructions Booklet; or   |
| <input type="checkbox"/> | (5) The Failed Business or Failed Start-Up Business is located in Economic Loss Zones A, B or C and meets the Charter Fishing Definition as set forth in Section 2 of this Instructions Booklet.   |

If your business does not fit any of the above descriptions, then it is not entitled to the Causation Presumption and you must submit additional documentation to prove that the Spill was the cause of your business's economic losses. The documentation required depends on which method your business is able to use to prove causation as explained in Exhibit 6(III) of the Settlement. These methods allow proof of causation by revenue pattern.

**Businesses Located in Economic Loss Zones B, C or D Satisfying Causation Based on Revenues:** Any business not entitled to the Causation Presumption and located in Economic Loss Zones B, C, or D may qualify for compensation where revenue fluctuations demonstrate a Spill related effect. Identify the test below which applies by checking the box next to the additional documentation which you will provide.

**(b) If you are a Failed Business Claimant located in Economic Loss Zone B not receiving a presumption of causation, you must submit the following:**

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | (1) Monthly financial statements or other documentation proving a 8.5% decline in revenues during the months for which your business operated between May 2010 and its last full month of operations (not to extend beyond April 2011) as compared to the comparable months during the period of May 2009 through April 2010; and |
| <input type="checkbox"/> | (2) Documentation and/or affidavits that provide a reasonable basis to conclude that the Spill was a substantial cause of the revenue decline. For example, you may provide evidence of customer cancellations or lost contracts related to the Spill.  |

**To obtain a copy of the Failed Business Economic Loss Proof of Revenue Decline Sworn Written Statement (SWS- 34), go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), or call toll free at 1-800-353-1262.**

**(c) If you are a Failed Business Claimant located in Economic Loss Zone C not receiving a presumption of causation, you must submit the following:**

(1) Monthly financial statements or other documentation proving a 10% decline in revenues during the months for which your business operated between May 2010 and its last full month of operations (not to extend beyond April 2011) as compared to the comparable months during the period of May 2009 through April 2010; and

(2) Documentation and/or affidavits that provide a reasonable basis to conclude that the Spill was a substantial cause of the revenue decline. For example, you may provide evidence of customer cancellations or lost contracts related to the Spill.

**To obtain a copy of the Failed Business Economic Loss Proof of Revenue Decline Sworn Written Statement (SWS-34), go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), or call toll free at 1-800-353-1262.**

**(d) If you are a Failed Business Claimant located in Economic Loss Zone D not receiving a presumption of causation, you must submit the following:**

(1) Monthly financial statements or other documentation proving a 15% decline in revenues during the months for which your business operated between May 2010 and its last full month of operations (not to extend beyond April 2011) as compared to the comparable months during the period of May 2009 through April 2010; and

(2) Documentation and/or affidavits that provide a reasonable basis to conclude that the Spill was a substantial cause of the revenue decline. For example, you may provide evidence of customer cancellations or lost contracts related to the Spill.

**To obtain a copy of the Failed Business Economic Loss Proof of Revenue Decline Sworn Written Statement (SWS-34), go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), or call toll free at 1-800-353-1262.**

**(e) If you are a Failed Start-Up Business Claimant located in Economic Loss Zone B not receiving a presumption, you must submit the following:**

(1) Monthly financial statements or other documentation proving a 8.5% decline in revenues during the months for which your business operated between May 2010 and its last full month of operations (not to extend beyond April 2011) relative to expected revenue in the same time period as demonstrated by contemporaneous financial projections (to the extent available) and expressed as a percentage of expected revenue; and

(2) Documentation and/or affidavits that provide a reasonable basis to conclude that the Spill was a substantial cause of the revenue decline. For example, you may provide evidence of customer cancellations or lost contracts related to the Spill.

**To obtain a copy of the Failed Business Economic Loss Proof of Revenue Decline Sworn Written Statement (SWS-34), go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), or call toll free at 1-800-353-1262.**

**(f) If you are a Failed Start-Up Business located in Economic Loss Zone C not receiving a presumption, you must submit the following:**

(1) Monthly financial statements or other documentation proving a 10% decline in revenues during the months for which your business operated between May 2010 and its last full month of operations (not to extend beyond April 2011) relative to expected revenue in the same time period as demonstrated by contemporaneous financial projections (to the extent available) and expressed as a percentage of expected revenue; and

(2) Documentation and/or affidavits that provide a reasonable basis to conclude that the Spill was a substantial cause of the revenue decline. For example, you may provide evidence of customer cancellations or lost contracts related to the Spill.

**To obtain a copy of the Failed Business Economic Loss Proof of Revenue Decline Sworn Written Statement (SWS-34), go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), or call toll free at 1-800-353-1262.**

**(g) If you are a Failed Start-Up Business Claimant located in Economic Loss Zone D not receiving a presumption, you must submit the following:**

(1) Monthly financial statements or other documentation proving a 15% decline in revenues during the months for which your business operated between May 2010 and its last full month of operations (not to extend beyond April 2011) relative to expected revenue in the same time period as demonstrated by contemporaneous financial projections (to the extent available) and expressed as a percentage of expected revenue; and

(2) Documentation and/or affidavits that provide a reasonable basis to conclude that the Spill was a substantial cause of the revenue decline. For example, you may provide evidence of customer cancellations or lost contracts related to the Spill.

**To obtain a copy of the Failed Business Economic Loss Proof of Revenue Decline Sworn Written Statement (SWS-34), go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), or call toll free at 1-800-353-1262.**

**(h) If you are a Failed Business Claimant that meets the definition of Seafood Retailer operating outside of Economic Loss Zone A, B, or C you must submit the following:**

(1) Monthly financial statements or other documentation proving that your business experienced a 15% increase in costs during the months for which your business operated between May 2010 and its last full month of operations (not to extend beyond April 2011) as compared to the comparable months during the period from May 2009 through April 2010; and

(2) Documentation establishing the specific basis for the cost increase and that, absent the Spill, the increase in costs would not have occurred.

**E. Documents Required if You Are Asserting Sweat Equity Loss**

Sweat Equity Compensation provides payment to Start-Up business owners who provided services to the Start-Up Business prior to when the business began operations but received no compensation or less than fair market value compensation.

(1) Affidavit setting forth for each owner:  
(a) The nature of the services provided by that owner to the business for which the owner received no compensation or less than fair market compensation; and  
(b) The time period over which the services were rendered; and  
(c) The average amount of time per week devoted to the Failed Start-Up Business; and  
(d) A description of any outside employment, if the owner was employed outside of the Failed Start-Up Business during the time the business operated.

**To obtain a copy of Failed Business Economic Loss Sweat Equity Sworn Written Statement (SWS-19), go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), or call toll free at 1-800-353-1262.**

(2) Documentation of income earned for the Sweat Equity Benchmark Period, including tax returns, W-2s, year-end pay stub information and, if available, monthly or other periodic pay stubs or other records reflecting monthly earned income.

**F. Documents Required for Claimants Seeking Reimbursement for Claimant Accounting Support Services**

All claimants seeking reimbursement for Claimant Accounting Support Services must submit the following documents:

(1) Claimant Accounting Support Sworn Written Statement.

**To obtain a copy of the Claimant Account Support Sworn Written Statement (SWS-38), go to [www.deepwaterhorizonsettlements.com](http://www.deepwaterhorizonsettlements.com), or call toll free at 1-800-353-1262.**

(2) Time sheet prepared by the claimant's accountant itemizing the following to establish the reasonableness of the Claimant Account Support Services fees:  
(a) Date;  
(b) Person performing the work; and  
(c) Billing rate of the person performing the work.