



**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 and 12-970

**JUDGE BARBIER
MAGISTRATE JUDGE SHUSHAN**

ORDER

[Clarifying Preliminary Injunction (Rec. Doc. 11697)
Regarding Claims Currently in the Appeals Process]

The Court issued a preliminary injunction on October 18, 2013. Rec. Doc. 11697. In order to clarify the order the Court amends the preliminary injunction as follows:

1. In paragraph 4 of the preliminary injunction order, relative to BEL and IEL claims in the claims appeal process, the Court directed the Program to “review such appeals to determine whether any party raised the matching of revenues and expenses as a basis for appeal.” If that issue is raised, the appeal process is to be suspended with regard to that claim. If that issue is not raised, the claims appeal process with regard to that claim is to proceed to determination and payment.

2. The procedure outlined above will be applied to any claim that as of October 18, 2013: (a) had received a final determination notice; (b) had an award of a sufficient dollar amount such that it was eligible to be appealed; (c) had an appeal of the determination filed or the time period for filing an appeal had expired; and (d) for which payment had not yet been issued. Such claims include those that were actually appealed and those for which no appeal was filed within the appeal period. All such claims are considered to have been “currently in the Claims Appeal Process” as per paragraph 4 of the preliminary injunction.


3. In determining “whether any party raised the matching of revenues and expenses as a basis for appeal” (the “matching issue”), the Claims Administrator and Settlement Program (the “Program”) will apply the following criteria:

- (a) If no appeal was timely filed, the matching issue will be considered to have not been raised as a basis for appeal;
- (b) If an appeal was filed and briefs in the form of an Initial Proposal, Final Proposal or Request for Discretionary Court Review were filed, the Program will consider the matching issue to have been raised only if the issue was raised in any of those three submissions filed as of October 18, 2013;
- (c) If an appeal was filed and briefs in the form of an Initial Proposal, Final Proposal or Request for Discretionary Court Review were filed, the Program will not consider the matching issue to have been raised if it was not included in any of those three submissions filed as of October 18, 2013; and
- (d) If an appeal was filed but the claim had not yet reached the point where any briefs were filed, the Program will look to the Notice of Appeal to determine whether the matching issue was raised as a basis for appeal.

4. The criteria outlined above will govern whether claims currently in the claims appeal process involve the matching issue. No currently pending appeals will be subject to analysis under the separate and distinct criteria outlined in paragraph 4 of the Claims Administrator’s Declaration of October 25, 2013 (Rec. doc. 11741).

5. Claims for which an appeal is timely filed after October 18, 2013 shall be processed in accordance with paragraph 5 of the preliminary injunction.

New Orleans, Louisiana, this 5th day of November, 2013.



CARL J. BARBIER
United States District Judge