



**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.**

**6**

**DATE**

**February 11, 2013**



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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. 6, DATED FEBRUARY 11, 2013**

The Claims Administrator of the Deepwater Horizon Economic and Property Settlement Agreement (the “Settlement Agreement”) submits this Report to inform the Court of the current status of the implementation of the Settlement Agreement. 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. We have received 117,562 Registration Forms and 127,304 Claim Forms since the Program opened, as shown in the Public Statistics for the Deepwater Horizon Economic and Property Damages Settlement (“Public Report”) attached as Appendix A. Claimants have begun but not fully completed and submitted another 11,324 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, 17% of claimants filed in the Seafood Program, 24% filed Individual



Economic Loss (IEL) Claims, and 28% filed Business Economic Loss (BEL) Claims (including Start-up and Failed BEL Claims). *See* App. A, Table 2. DWH staff at the Claimant Assistance Centers assisted in completing 24,656 of these Claim Forms. *See* App. A, Table 3. The nineteen Claimant Assistance Centers also provide other forms, including Personal Representative Forms, Subsistence Interview Forms and Sworn Written Statements and Authorizations.

## 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. To date we have submitted and the Court has approved 20 settlements on behalf of deceased or incompetent claimants. We have been reaching out to claimants who have not returned a signed copy of the Joint Motion for Approval of Settlement of Claim under the Economic and Property Damages Settlement Agreement and the Memorandum in Support or who have not provided sufficient documents under the Court Approved Procedures to show their authority to file a claim and sign a Release on behalf of a deceased, minor or incompetent claimant.

<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>	36	+11	42	+11	169	+75
<b>2.</b>	<b>Referred to GADL</b>	18	+3	13	+2	N/A	N/A
<b>3.</b>	<b>Eligible for Payment</b>	1	+1	14	+5	59	+16
<b>4.</b>	<b>Approval Orders Filed</b>	0	0	2	+2	18	+12

## 3. Third Party Claims.

Court Approved Procedure No. 1 defines the process by which the Claims Administrator will receive, process and pay the claims and/or liens asserted by attorneys, creditors,



governmental agencies, or other third parties against the payments to be made by the Claims Administrator to eligible claimants under the Settlement Agreement (“Third Party Claims”). We do not honor an asserted Third Party Claim unless the Third Party Claimant provides us with sufficient documentation to support a valid Claim. We have streamlined our Third Party Claim enforcement requirements. We are revising our Notices and communications to advise Third Party Claimants about these changes and to notify Claimants about Third Party Claims soon after they are enforced.

We continue 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 DHCC ID</b>	<b>TPCs<sup>1</sup> Asserted Against Payable Claims</b>	<b>Valid TPCs Asserted Against Payable Claims</b>	<b>TPCs Paid/Ready for Payment (TPC<sub>lmt</sub>)</b>	<b>Claims with TPCs Paid/Ready for Payment (Clmt)</b>
1.	<b>Attorney’s Fees</b>	2,150	1,191	197	85	42	211
2.	<b>IRS Levies</b>	344	220	25	25	21	23
3.	<b>Individual Domestic Support Obligations</b>	221	114	56	56	26	34
4.	<b>Blanket State-Asserted Multiple Domestic Support Obligations</b>	4 states	N/A	N/A	N/A	0	0
5.	<b>3rd Party Lien/Writ of Garnishment</b>	1,234	756	15	1	1	1
6.	<b>Other</b>	19	9	1	0	0	0
7.	<b>TOTAL</b>	<b>3,968</b>	<b>2,290</b>	<b>294</b>	<b>167</b>	<b>90</b>	<b>269<sup>2</sup></b>

<sup>1</sup> Validity assessed after affected Claimant receives an Eligibility Notice and submits a signed Release. The streamlined enforcement requirements allow us to assess validity earlier in the process, although we will not know if a valid TPC is asserted against a payable claim until the Eligibility Notice goes out.

<sup>2</sup> If the TPC amount is in dispute, we pay the Claimant the undisputed portion of his/her/its Settlement Payment. A Third Party Claim can be asserted against one or more Settlement Program Claims.



To date, we have removed 763 lien holds due to parties releasing their claims or resolving disputes.

## **B. Claims Review.**

We completed our first reviews and issued our first outcome notices on July 15, 2012, and 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 Tax Identity Number (TIN) Verification review is the first step in the DWH claims review process. The table below contains information on the total number of claimants reviewed in the Program, the outcome of those reviews, and the percentage of claimants that receive Verification Notices after review.

<b>Table 3. 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>	3,330	65%	31,114	79%
<b>2.</b>	<b>SSN Notice Issued</b>	294	5%	2,009	5%
<b>3.</b>	<b>ITIN Notice Issued</b>	19	1%	379	1%
<b>4.</b>	<b>EIN Notice Issued</b>	1,485	29%	5,735	15%
<b>5.</b>	<b>Total Reviewed</b>	5,128	100%	39,237	100%

The table below contains information on the number of TIN Verification Notices issued, how many have been cured after the claimant responded to the Notice, and the average time to cure in days.



<b>Table 4. Identity Incompleteness Activity.</b>					
	<b>Notice Type</b>	<b>Notices Issued</b>	<b>Number Cured</b>	<b>Percentage Cured</b>	<b>Average Time to Cure in Days</b>
<b>1.</b>	<b>SSN Notice</b>	2,009	1,386	69%	100
<b>2.</b>	<b>ITIN Notice</b>	379	296	78%	113
<b>3.</b>	<b>EIN Notice</b>	5,735	3,049	53%	81
<b>4.</b>	<b>Total Issued</b>	8,123	4,731	58%	98

## **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 right NAICS code to a business. The EVR team has completed the EVR analysis for over 108,000 businesses and rental properties.

From January 11, 2013 through February 10, 2013, the team completed the EVR step for 12,999 businesses and properties. We identified an average of 402 new businesses and properties to review each day and completed the EVR review for an average of 419 businesses and properties each day. We continue to review new businesses and rental properties on a first-in, first-out basis, keeping pace with the current volume of businesses and properties identified for review.

## **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 determination. Table 5 below shows the number of Denial Notices issued to date for each Exclusion Reason and the team responsible:



<b>Table 5. 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>	268	3,021
2.	<b>BP/MDL 2179 Defendant</b>		4	55
3.	<b>US District Court for Eastern District of LA</b>		0	0
4.	<b>Not a Member of the Economic Class</b>	<b>Claims Reviewers</b>	7	41
5.	<b>Bodily Injury</b>		1	1
6.	<b>BP Shareholder</b>		1	5
7.	<b>Transocean/Halliburton Claim</b>		0	0
8.	<b>Governmental Entity</b>	<b>Claims Reviewers/ EVR</b>	134	304
9.	<b>Oil and Gas Industry</b>		52	155
10.	<b>BP-Branded Fuel Entity</b>		3	17
11.	<b>Menhaden Claim</b>	<b>EVR</b>	1	6
12.	<b>Financial Institution</b>		23	84
13.	<b>Gaming Industry</b>		70	319
14.	<b>Insurance Industry</b>		14	57
15.	<b>Defense Contractor</b>		24	44
16.	<b>Real Estate Developer</b>		0	0
17.	<b>Trust, Fund, Financial Vehicle</b>		1	3
18.	<b>Total Denial Notices from Exclusions</b>		<b>603</b>	<b>4,112</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 is returned from the Accountants or BrownGreer’s reviewers as payable and the Compensation Amount is known, the CAS team reviews accounting invoices and CAS Sworn Written Statements. Table 6 includes information on the number of CAS reviews we have completed to date, whether the Accounting Support documentation was complete or incomplete, and the amounts reimbursed.

**Table 6. Claimant Accounting Support Reviews**

	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>	821	3,750	71	398	892	4,148	\$954,279.83	\$4,044,523.21
2.	<b>IEL</b>	89	514	23	139	112	653	\$7,006.70	\$32,222.56
3.	<b>Seafood</b>	150	2,081	23	369	173	2,450	\$88,746.17	\$673,493.56
4.	<b>TOTAL</b>	<b>1,060</b>	<b>6,345</b>	<b>117</b>	<b>906</b>	<b>1,177</b>	<b>7,251</b>	<b>\$1,050,032.70</b>	<b>\$4,750,239.33</b>

### 5. QA Review.

The Quality Assurance (“QA”) process addresses three fundamental needs of the Settlement Program, which are to: (a) ensure that all claims are reviewed in accordance with the policies of the Settlement Agreement by targeting anomalous claims results through data metrics analysis; (b) provide a mechanism to monitor reviewer performance and the necessary tools to efficiently and effectively provide feedback to reviewers; and (c) identify areas of review resulting in high error rates that require retraining or refined review procedures and data validations.

We have implemented a reviewer follow-up process for all claim types. We provide daily follow-up to reviewers whose claims resulted in different results after a QA review the day before. We also have a report that identifies specific reviewers who require re-training, and reveals whether there are issues that warrant refresher training for all reviewers. Table 7 shows, by Claim Type, the number of claims identified for QA review through the database QA process, as well as how many QA reviews have been completed, how many are in progress, and how many are awaiting review.



**Table 7. Quality Assurance Reviews**

	<b>Claim Type</b>	<b>Total Claims Needing QA To Date</b>	<b>QA Reviews Completed</b>	<b>% Completed</b>	<b>QA Reviews in Progress</b>	<b>Claims Awaiting QA</b>	<b>QA Reviews Completed Since Last Report</b>
<b>1.</b>	<b>Seafood</b>	8,559	6,813	80%	887	859	1,751
<b>2.</b>	<b>IEL</b>	7,139	5,297	74%	546	1,296	1,191
<b>3.</b>	<b>BEL</b>	3,467	2,850	82%	165	452	782
<b>4.</b>	<b>Start-Up BEL</b>	348	284	82%	19	45	72
<b>5.</b>	<b>Failed BEL</b>	966	833	86%	27	106	197
<b>6.</b>	<b>Coastal Real Property</b>	9,596	8,718	91%	220	658	2,050
<b>7.</b>	<b>Real Property Sales</b>	545	542	99%	1	2	43
<b>8.</b>	<b>VoO Charter</b>	6,486	6,420	99%	35	31	559
<b>9.</b>	<b>Subsistence</b>	870	42	5%	16	812	42
<b>10.</b>	<b>Wetlands</b>	1,066	940	88%	73	53	392
<b>11.</b>	<b>TOTAL</b>	<b>39,042</b>	<b>32,739</b>	<b>84%</b>	<b>1,989</b>	<b>4,314</b>	<b>7,079</b>

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

Table 8 provides information on the number of claims filed, how many claims have been reviewed to Notice, the claims remaining to review, and how many claims were reviewed to either a Notice or “Later Notice” to date, by claim type. Table 8 splits the claims reviewed to a “Later Notice” into separate sections distinguishing claims receiving Notices after we conduct a Reconsideration review from claims reviewed for additional materials submitted by a claimant in response to an Incompleteness Notice.

**Table 8. Throughput Analysis of Claims Filed and Notices Issued**

<b>A. Claims Reviewed to First Notice</b>										
	Claim Type	Status of All Claims Filed					Productivity Since Last Report on 1/11/13			
		Total Claims Filed To Date	Reviews Completed to Notice		Claims Remaining to Review		New Claims Filed	Avg Daily Claims Filed	Reviews Completed to First Notice	Avg Daily Reviews to First Notice
1.	Seafood	23,516	8,644	37%	14,872	63%	12,039	653	1,646	214
2.	IEL	26,740	16,543	62%	10,197	38%	1,447	743	1,334	465
3.	IPV/FV	193	142	74%	51	26%	19	5	46	4
4.	BEL	31,673	16,436	52%	15,237	48%	4,781	880	2,998	413
5.	Start-Up BEL	2,408	1,381	57%	1,027	43%	231	67	219	39
6.	Failed BEL	2,033	1,240	61%	793	39%	166	56	214	35
7.	Coastal RP	17,599	14,371	82%	3,228	18%	2,049	489	2,765	342
8.	Wetlands RP	3,340	1,644	49%	1,696	51%	434	93	433	46
9.	RPS	926	739	80%	187	20%	52	26	42	18
10.	Subsistence	10,334	266	3%	10,068	97%	2,500	287	69	6
11.	VoO	7,849	7,514	96%	335	4%	332	218	387	179
12.	Vessel	693	574	83%	119	17%	110	19	46	17
13.	<b>TOTAL</b>	<b>127,304</b>	<b>69,494</b>	<b>55%</b>	<b>57,810</b>	<b>45%</b>	<b>24,160</b>	<b>3,536</b>	<b>10,199</b>	<b>1,777</b>
<b>B. Claims Reviewed to Later Notice</b>										
	Claim Type	Initial or Preliminary Incompleteness Response			Follow-Up Incompleteness Responses			Requests for Reconsideration		
		Total Responses	Claims with Later Notice	Remaining Claims	Total Responses	Claims with Later Notice	Remaining Claims <sup>2</sup>	Total Requests	Claims with Later Notice	Remaining Claims <sup>2</sup>
1.	Seafood	2,027	724	1,303	314	110	204	923	414	509
2.	IEL	8,568	3,565	5,003	1,346	782	564	777	424	353
3.	IPV/FV	53	35	18	3	0	3	5	0	5
4.	BEL	8,766	3,873	4,893	1,786	762	1,024	798	364	434
5.	Start-Up BEL	732	322	410	176	104	72	57	18	39
6.	Failed BEL	382	158	224	93	53	40	110	61	49
7.	Coastal RP	2,214	1,722	492	392	286	106	544	120	424
8.	Wetlands RP	109	65	44	9	2	7	165	64	101
9.	RPS	116	109	7	27	21	6	96	82	14
10.	Subsistence	19	0	19	0	0	0	15	3	12
11.	VoO	708	659	49	208	178	30	383	327	56
12.	Vessel	390	342	48	122	78	44	45	33	12
13.	<b>TOTAL</b>	<b>24,084</b>	<b>11,574</b>	<b>12,510</b>	<b>4,476</b>	<b>2,376</b>	<b>2,100</b>	<b>3,918</b>	<b>1,910</b>	<b>2,008</b>



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

We issued our first payments to claimants on July 31, 2012. Tables 4 and 5 of the Public Report attached at Appendix A provide detail on the notices and payments issued to date. As of February 10, 2013, we have issued 26,608 Eligibility Notices with Payment Offers totaling \$2,099,572,857 billion. As of that date, we also have made over \$1.43 billion in payments on 19,530 claims.

### **D. Subsistence Claims.**

The Claims Administrator resolved all outstanding policy issues which prevented Subsistence claims processing. Subsistence claims processing started on January 12, 2013. The Claims Administrator issued the first Subsistence Eligibility Notice on January 23, 2013.

### **E. Reconsiderations and Appeals.**

#### **1. Reconsideration Reviews and Outcomes.**

To date, there have been 36,697 Eligibility, Denial and Incompleteness Denial Notices issued from which claimants can seek Reconsideration. Of those, 6,174 are still within the 30 day window to seek Reconsideration and have not yet done so, leaving 30,523 that have passed the window for seeking Reconsideration. Of those, claimants have asked for Reconsideration of 3,697 claims. Thus, the rate of Reconsideration from all final determinations is 12.1%. The rate of Reconsideration from Eligibility Notices is 7% and the rate of Reconsideration from Denial and Incompleteness Denial Notices is 32%.

Table 9 summarizes the Reconsideration Reviews we have completed, the number of Post-Reconsideration Notices we have issued, and whether the outcome of the Reconsideration review resulted in an award that was higher (↑), lower (↓), or the same (↔). The table also includes information showing whether an original Exclusion Denial was confirmed or overturned



on Reconsideration. The number of Notices issued is fewer than the reviews completed because there is a 36 hour lag time between when the review is completed and when the Notice is issued.

<b>Table 9. Reconsideration</b>					
<b>A. Reconsideration Requests and Reviews</b>					
	<b>Claim Type</b>	<b>Requests Received To Date</b>	<b>Reviews Completed To Date</b>		
			<b>Total</b>	<b>Completed Since Last Report</b>	<b>Average Weekly Reviews</b>
<b>1.</b>	<b>Seafood</b>	917	531	184	38
<b>2.</b>	<b>IEL</b>	752	564	78	40
<b>3.</b>	<b>IPV/FV</b>	5	0	0	0
<b>4.</b>	<b>BEL</b>	787	609	294	44
<b>5.</b>	<b>Start-Up BEL</b>	56	28	14	2
<b>6.</b>	<b>Failed BEL</b>	109	92	48	7
<b>7.</b>	<b>Coastal</b>	538	145	76	10
<b>8.</b>	<b>Wetlands</b>	164	126	87	9
<b>9.</b>	<b>Real Property Sales</b>	95	90	20	6
<b>10.</b>	<b>Subsistence</b>	15	3	3	0
<b>11.</b>	<b>VoO</b>	382	346	75	25
<b>12.</b>	<b>Vessel</b>	45	38	15	3
<b>13.</b>	<b>TOTAL</b>	<b>3,865</b>	<b>2,572</b>	<b>891</b>	<b>184</b>

**Table 9. Reconsideration****B. Reconsideration Notices Issued**

	Claim Type	Notices Issued		Outcome of Review				
		Total Issued to Date	Weekly Average	Compensation Amount for Eligible Claims			Exclusion/Denials	
				↑	↓	↔	Confirmed	Overturned
1.	Seafood	414	19	209	24	109	71	1
2.	IEL	423	20	33	1	9	380	0
3.	IPV/FV	0	0	0	0	0	0	0
4.	BEL	360	17	112	9	50	184	5
5.	Start-Up BEL	17	1	4	0	1	12	0
6.	Failed BEL	61	3	0	0	0	61	0
7.	Coastal	112	6	21	6	49	32	4
8.	Wetlands	64	3	10	1	16	37	0
9.	Real Property Sales	82	4	0	0	2	80	0
10.	Subsistence	3	0	0	0	0	3	0
11.	VoO	325	16	59	1	90	144	31
12.	Vessel	32	2	21	0	5	6	0
13.	<b>TOTAL</b>	<b>1,893</b>	<b>89</b>	<b>469</b>	<b>42</b>	<b>331</b>	<b>1,010</b>	<b>41</b>

**2. Appeals.****(a) BP Appeals.**

To date, we have issued 10,276 Eligibility Notices that meet or exceed the threshold amounts rendering them eligible for BP to appeal. Of those, 617 are still within the time for BP to appeal, leaving 9,659 that have passed the window for BP to consider whether to appeal. Of those 9,659, BP has appealed 487, or only 5.0%. However, out of the 487 BP has appealed, they have subsequently withdrawn 77 appeals, and another 18 have been resolved for the same amount of the Eligibility Notice. Thus, out of the 487 claims BP has appealed, 95 have either been withdrawn or resolved, confirming that the outcome of the review was correct. If we remove those 96 from the 487 BP has appealed to arrive at a more realistic “rate of



disagreement” BP has with our results, that leaves 392 claims out of 9,659, or a 4.0% rate of disagreement.

Table 10 provides summary information on the status of BP’s appeals.

<b>Table 10. Status of BP Appeals</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of 1/11/13</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>BP Appeals Filed</b>	<b>440</b>	47	<b>487</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>261</b>	2	<b>263</b>
(a)	<b>Withdrawn</b>	77	0	77
(b)	<b>Panel Decided</b>	14	0	14
(c)	<b>Settled by Parties</b>	139	2	141
(d)	<b>Administratively Closed</b>	7	0	7
(e)	<b>Closed for Reconsideration Review</b>	24	0	24
<b>B. Pending Appeals</b>				
<b>3.</b>	<b>In Pre-Panel Baseball Process</b>		217	
<b>4.</b>	<b>Currently Before Panel</b>		7	
<b>5.</b>	<b>TOTAL PENDING</b>		<b>224</b>	

**(b) Claimant Appeals.**

Before a claimant may appeal, he must seek Reconsideration and receive a Post-Reconsideration Notice. To date, we have issued 1,893 Post-Reconsideration Notices. Of those, 694 are still within the time for the Claimant to appeal, leaving 1,199 that have passed the window for the claimant to consider whether to appeal. Of those 1,199, claimants have appealed 208, or 17.3%. Of the 208 Claimant Appeals, 130 are appeals of Post-Reconsideration Denial Notices and 78 are appeals of Post-Reconsideration Eligibility Notices.

Table 11 provides summary information on the status of Claimant appeals:



<b>Table 11. Status of Claimant Appeals</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of 1/11/13</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Claimant Appeals Filed</b>	<b>181</b>	27	<b>208</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>20</b>	2	<b>22</b>
<b>(a)</b>	<b>Settled by Parties</b>	<b>10</b>	0	<b>10</b>
<b>(b)</b>	<b>Administratively Closed</b>	<b>7</b>	0	<b>7</b>
<b>(c)</b>	<b>Withdrawn</b>	<b>3</b>	2	<b>5</b>
<b>B. Pending Appeals</b>				
<b>3.</b>	<b>In Pre-Panel Baseball Process</b>		49	
<b>4.</b>	<b>In Pre-Panel Non-Baseball Process</b>		130	
<b>5.</b>	<b>Currently Before Panel</b>		7	
<b>6.</b>	<b>TOTAL PENDING</b>		<b>186</b>	

**(c) Resolved Appeals.**

As reported in the tables above, 285 Claimant and BP appeals have been resolved. Table 12 provides a summary of these resolved appeals, by Claim Type. The Panel decided to award BP's Final Proposal on 11 appeals (10 VoO claims and one BEL claim). The Panel decided to award the Claimant's Final Proposal on three claims (one VoO claim and two Seafood claims).

<b>Table 12. Outcome After Appeal</b>								
	Claim Type	Appeals Settled or Decided by Panel			Withdrawn	Administratively Closed	Closed Because Claimant Asked For Reconsideration	Total
		Award Amount after Appeal, Compared to Eligibility Notice						
		Higher	Lower	Same				
<b>1.</b>	<b>Seafood</b>	2	61	6	32	3	9	113
<b>2.</b>	<b>BEL</b>	2	54	0	32	3	13	104
<b>3.</b>	<b>Wetlands Real Property</b>	0	1	0	1	0	0	2
<b>4.</b>	<b>Real Property Sales</b>	0	0	1	2	1	0	4
<b>5.</b>	<b>VoO Charter Payment</b>	4	20	11	12	1	2	50



Table 12. Outcome After Appeal								
	Claim Type	Appeals Settled or Decided by Panel			Withdrawn	Administratively Closed	Closed Because Claimant Asked For Reconsideration	Total
		Award Amount after Appeal, Compared to Eligibility Notice						
		Higher	Lower	Same				
6.	IEL	0	2	0	3	6	0	11
7.	VPD	0	1	0	0	0	0	1
8.	Total	8	139	18	82	14	24	285

**(d) Rules Governing the Appeals Process.**

We have added redacted the Rules Governing the Appeals Process the DWH website.

The Rules are located in the Reporting/Appeals section of the website.

**II. CLAIMANT OUTREACH EFFORTS**

We have continued our Claimant Outreach efforts since the previous Court Status Report:

**A. Law Firm Contacts.**

Through January 18, 2013, the Law Firm Contact team focused outreach efforts on firms representing claimants who may have been eligible to file additional Seafood Compensation Program claims, and firms representing claimants with incomplete Seafood Compensation Program Claims. The Law Firm Contacts continued to perform outreach to firms regarding dual representation. On January 18, 2013, we also updated the Attorney Representation system to display multiple representation statuses for claimants. The outreach efforts conducted by the Law Firm Contacts included calls and emails to firms identified during outreach efforts in December that may have been affected by this update in the system.

On February 1, 2013, we began issuing second Follow-Up Incompleteness Notices to certain claimants. Occasionally, a claimant will submit documentation in response to an Incompleteness Notice, and review of that documentation reveals other missing documentation.





When a claim is no longer Incomplete for any Incompleteness Reason that appeared on the Follow-Up Incompleteness Notice but is Incomplete for a new reason that did not appear on a prior Notice, then instead of issuing an Incompleteness Denial Notice, the Claims Administrator issues a second Follow-Up Incompleteness Notice to inform the claimant about the new Incompleteness. This Notice gives the claimant additional time to provide the requested documents before the Claims Administrator denies the claim. This change required us to retract previous Incompleteness Denial Notices for a population of represented claimants. On January 24, 2013, the team notified firms affected by this change and alerted the firms to new Follow-Up Incompleteness Notices they would receive.

In addition to outreach calls notifying firms of process changes, the Law Firm Contact team worked with the accountants to coordinate calls with law firms representing claimants with Seafood Compensation Program claims that were still incomplete. This collaboration allowed the accountants and Law Firm Contacts to efficiently address Program questions and documentation requirements.

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

The CCC experienced an upward trend in inbound calls from claimants throughout the month of January with the average number of incoming calls increasing to over 2,750 calls a week. The substance of the inbound calls focused primarily on status updates, but we continued to receive calls regarding documentation requirements, award acceptance, and Portal navigation. We also received an increase in calls related to the claim filing process, specifically from claimants interested in filing Seafood Compensation Program claims.

The CCC continued outreach efforts to claimants for whom certain elements of their claim filings required clarification. As the Law Firm Contacts did for the represented claimants,



we contacted certain unrepresented claimants who previously received Incompleteness Denial Notices to inform them that we were retracting those Notices and issuing them another Follow-Up Incompleteness Notice to give them additional time to provide newly requested information. We started calling claimants affected by this change on January 24, 2013, and continued contacting claimants until we spoke to each claimant on February 2, 2013.

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

The Claimant Outreach Program (COP) continues at the CACs. Between January 11, 2013, and February 10, 2013, the COP Team completed over 4,700 calls to claimants. The CACs continued to reach out to claimants with incomplete claims across all damage categories. In addition to these outreach efforts, the CACs conducted outreach calls through January 18, 2013, to claimants who were potentially eligible to file additional Seafood Compensation Program claims. These outreach efforts resulted in over 500 new SCP claim filings.

### **D. Summary of Outreach Calls.**

The table below summarizes some of the Claimant Outreach Program efforts:

<b>Table 13. Outreach Call Volume</b>							
<b>(As of 2/11/13)</b>							
<b>Row</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</b>
<b>1.</b>	BrownGreer	22,632	11,052	7,248	66%	3,764	34%
<b>2.</b>	Garden City Group	24,320	4,877	3,098	64%	304	6%
<b>3.</b>	P & N	2,947	1,281	950	74%	56	4%
<b>4.</b>	PWC	456	213	168	79%	9	4%
<b>5.</b>	<b>Totals</b>	<b>50,355</b>	<b>17,423</b>	<b>11,464</b>	<b>66%</b>	<b>4,133</b>	<b>15%</b>



### III. CONCLUSION

We offer 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, we stand ready to provide it at the Court's convenience.

/s/ Patrick A. 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 Lexis Nexis 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 11<sup>th</sup> day of February 2013.

/s/ Patrick M. 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	761	19,476	20,237	16%	1,525	21,656	23,181	17%
2.	Florida	1,916	42,303	44,219	36%	4,737	41,106	45,843	33%
3.	Louisiana	1,648	29,321	30,969	25%	2,454	36,071	38,525	28%
4.	Mississippi	548	13,837	14,385	12%	966	14,629	15,595	11%
5.	Texas	248	6,341	6,589	5%	660	5,811	6,471	5%
6.	Other	1,052	6,284	7,336	6%	982	8,031	9,013	7%
7.	<b>Total</b>	<b>6,173</b>	<b>117,562</b>	<b>123,735</b>	<b>100%</b>	<b>11,324</b>	<b>127,304</b>	<b>138,628</b>	<b>100%</b>

Chart 1: Filings by State of Residence

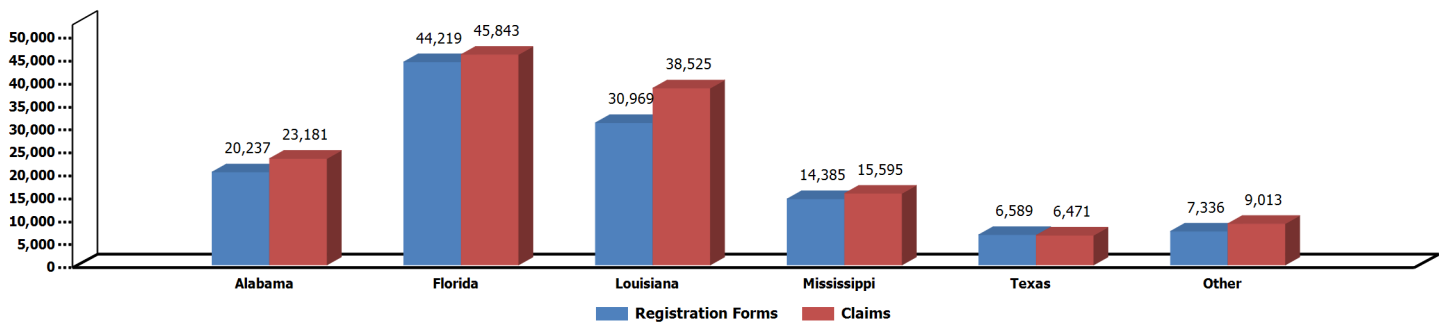


Table 2	Number of Claims by Claim Type					
	Claim Type	Claims				Unique Claimants with Form Submitted
		Form Begun	Form Submitted	Total	%	
1.	Seafood Compensation Program	410	23,516	23,926	17%	10,138
2.	Individual Economic Loss	5,963	26,740	32,703	24%	26,740
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	128	193	321	<1%	193
4.	Business Economic Loss	2,282	31,673	33,955	24%	28,781
5.	Start-Up Business Economic Loss	240	2,408	2,648	2%	2,239
6.	Failed Business Economic Loss	264	2,033	2,297	2%	1,954
7.	Coastal Real Property	876	17,599	18,475	13%	12,506
8.	Wetlands Real Property	201	3,340	3,541	3%	1,234
9.	Real Property Sales	177	926	1,103	1%	744
10.	Subsistence	584	10,334	10,918	8%	10,329
11.	VoO Charter Payment	126	7,849	7,975	6%	5,638
12.	Vessel Physical Damage	73	693	766	1%	621
13.	<b>Total</b>	<b>11,324</b>	<b>127,304</b>	<b>138,628</b>	<b>100%</b>	<b>92,198</b>

Chart 2: Number of Claims by Claim Type

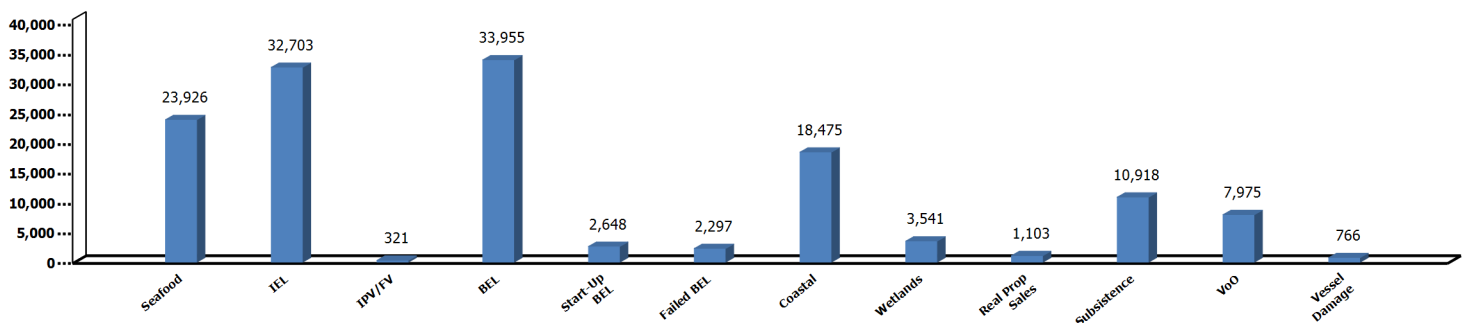


Table 3	Filings by Claimant Assistance Center								
	Claimant Assistance Center	Registration Forms				Claims			
		Form Begun	Form Submitted	Total	%	Form Begun	Form Submitted	Total	%
1.	Apalachicola, FL	25	1,057	1,082	5%	34	1,436	1,470	6%
2.	Bay St. Louis , MS	10	487	497	2%	41	574	615	2%
3.	Bayou La Batre, AL	19	655	674	3%	49	743	792	3%
4.	Biloxi , MS	36	1,631	1,667	8%	63	1,835	1,898	8%
5.	Bridge City, TX	2	198	200	1%	17	408	425	2%
6.	Clearwater, FL	72	1,876	1,948	9%	355	1,396	1,751	6%
7.	Cut Off, LA	11	400	411	2%	25	532	557	2%
8.	Fort Walton Beach , FL	12	1,055	1,067	5%	54	1,384	1,438	6%
9.	Grand Isle, LA	5	135	140	1%	7	197	204	1%
10.	Gretna/Harvey, LA	29	1,514	1,543	7%	60	1,671	1,731	7%
11.	Gulf Shores, AL	16	1,503	1,519	7%	56	1,960	2,016	8%
12.	Houma, LA	23	743	766	4%	42	934	976	4%
13.	Lafitte, LA	4	254	258	1%	12	338	350	1%
14.	Mobile, AL	53	3,654	3,707	18%	166	3,958	4,124	17%
15.	Naples, FL	25	1,112	1,137	5%	39	1,020	1,059	4%
16.	New Orleans – CBD BG, LA	10	161	171	1%	11	150	161	1%
17.	New Orleans East, LA	46	1,841	1,887	9%	118	2,122	2,240	9%
18.	Panama City Beach, FL	19	986	1,005	5%	84	1,456	1,540	6%
19.	Pensacola, FL	22	1,055	1,077	5%	67	1,242	1,309	5%
20.	<b>Total</b>	<b>439</b>	<b>20,317</b>	<b>20,756</b>	<b>100%</b>	<b>1,300</b>	<b>23,356</b>	<b>24,656</b>	<b>100%</b>

Chart 3: Number of Claims by Claimant Assistance Center

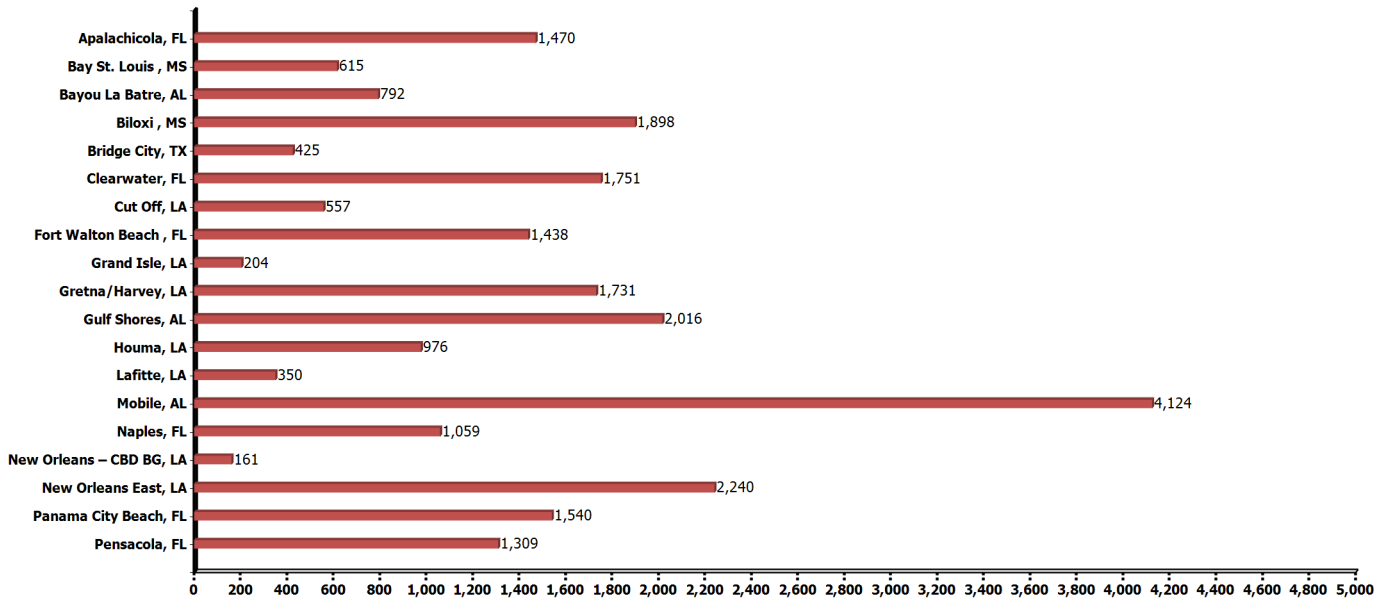


Table 4	Claim Type	Notices Issued										
		Eligible - Payable	Eligible - No Payment	Incomplete	Denial					Withdrawn	Closed	Total Claims Issued Notice
					Exclusion Denials	Prior GCCF Release	Causation Denials	Other Denials	Incomplete Denials			
1.	Seafood Compensation Program	3,594	1,494	2,761	0	515	0	77	104	96	60	8,701
2.	Individual Economic Loss	927	262	11,602	901	1,441	14	240	1,068	164	281	16,900
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	1	0	102	0	19	0	15	0	22	1	160
4.	Business Economic Loss	4,182	81	9,891	152	319	737	10	535	247	358	16,512
5.	Start-Up Business Economic Loss	113	4	1,035	9	26	18	7	85	45	45	1,387
6.	Failed Business Economic Loss	2	2	682	13	66	125	241	48	18	53	1,250
7.	Coastal Real Property	10,132	12	2,255	0	311	0	940	184	104	499	14,437
8.	Wetlands Real Property	696	0	70	1	40	0	647	0	5	192	1,651
9.	Real Property Sales	299	0	35	1	22	14	305	10	13	43	742
10.	Subsistence	7	0	38	0	202	0	0	0	8	20	275
11.	VoO Charter Payment	6,351	9	453	13	0	0	433	208	36	24	7,527
12.	Vessel Physical Damage	304	3	193	0	0	0	28	23	7	18	576
13.	<b>Total</b>	<b>26,608</b>	<b>1,867</b>	<b>29,117</b>	<b>1,090</b>	<b>2,961</b>	<b>908</b>	<b>2,943</b>	<b>2,265</b>	<b>765</b>	<b>1,594</b>	<b>70,118</b>

Table 5	Claim Type	Payment Information					
		Eligibility Notices Issued with Payment Offer		Accepted Offers		Payments Made	
		Number	Amount	Number	Amount	Number	Amount
1.	Seafood Compensation Program	3,594	\$663,133,279	2,470	\$564,283,821	2,472	\$524,095,883
2.	Individual Economic Loss	927	\$8,987,455	691	\$7,291,471	548	\$6,028,610
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	1	\$3,200	1	\$3,200	1	\$3,200
4.	Business Economic Loss	4,182	\$1,005,769,821	3,444	\$858,745,800	2,837	\$547,839,413
5.	Start-Up Business Economic Loss	113	\$23,319,426	92	\$20,690,065	67	\$16,181,042
6.	Failed Business Economic Loss	2	\$68,772	1	\$53,628	1	\$53,628
7.	Coastal Real Property	10,132	\$65,426,556	8,242	\$54,308,919	7,093	\$43,576,168
8.	Wetlands Real Property	696	\$47,793,789	564	\$45,589,921	501	\$44,007,191
9.	Real Property Sales	299	\$18,345,344	283	\$17,528,327	267	\$16,600,863
10.	Subsistence	7	\$96,739	5	\$67,125	1	\$4,148
11.	VoO Charter Payment	6,351	\$259,476,580	5,765	\$239,571,705	5,528	\$228,959,499
12.	Vessel Physical Damage	304	\$7,151,895	242	\$5,123,287	214	\$3,110,910
13.	<b>Total</b>	<b>26,608</b>	<b>\$2,099,572,857</b>	<b>21,800</b>	<b>\$1,813,257,268</b>	<b>19,530</b>	<b>\$1,430,460,555</b>

**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) Eligible - Payable; (2) Eligible - No Payment; (3) Denial; (4) Incomplete; (5) Withdrawn; (6) Closed.
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. 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.