

MINUTE ENTRY
WILKINSON, M. J.
APRIL 12, 2018

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”

THIS DOCUMENT RELATES TO:

JUDGE BARBIER
MAG. JUDGE WILKINSON

Civil Action Nos. 12-970, 15-4143,
15-4146 and 15-4654

CLAIM APPEAL DETERMINATION AND REASONS

[Halliburton and Transocean Settlement]

The Claims Administrator has provided me with the Appeal Form, Appeal Determination Notice, Court Review Request, Claim Form, Settlement Program Appeal Determination Letter concerning the appeal of [REDACTED]; denying his claim for payment from the Halliburton/Transocean Settlement Agreements.

Having reviewed these materials, the determination of the Claims Administrator is AFFIRMED essentially for the reasons provided by the Claims Administrator. [REDACTED] asserts relevant claim types (physical damage to his dock and boat and subsistence fishing) and x-marked the “Yes” box in answer to the claim form question, “Have you preserved your rights in compliance with PTO [“Pretrial Order”] 60?” However, he has

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not received either a prior Deepwater Horizon Economic and Property Damage Settlement (“DHEPDS”) or a court-appointed neutrals settlement payment, and there is no record that he filed an individual lawsuit in compliance with Pretrial Order No. 60. As Judge Barbier has previously held, ██████’s assertion in his appeal form that “[w]e were involved in the class action and preserved our rights that way” is insufficient compliance with Pretrial Order No. 60. The bases and necessity of complying with these requirements in connection with this punitive damages settlement are set out in detail in In re Oil Spill by the Oil Rig “Deepwater Horizon”, No. 2179, 2018 WL 334030 (E.D. La. Jan. 4, 2018). In addition, the United States Court of Appeals for the Fifth Circuit has recently affirmed the validity, enforceability and requirement of compliance with Pretrial Order No. 60 in In Re: Deepwater Horizon, 5th Cir. Case No. 17-30475 (“Eduardo Pineiro Perez v. BP, P.L.C. et al.” and consolidated cases), 5th Cir. Record Doc. No. 00514364341 (Feb. 27, 2018).



JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE

**CLERK TO NOTIFY:
HON. CARL J. BARBIER
and
HESI/TRANSOCEAN SETTLEMENT
CLAIMS ADMINISTRATOR**