

**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 2179

SECTION “J”

**This Document Relates To:
*No. 15-4143, 15-4146 & 15-4654***

**Judge Barbier
Chief Magistrate Judge
Joseph C. Wilkinson, Jr.**

**REPORT BY THE NEW CLASS CLAIMS ADMINISTRATOR OF THE
HALLIBURTON AND TRANSOCEAN SETTLEMENTS**

STATUS REPORT NO.	5	DATE	February 1, 2017
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**JOINT STATUS REPORT BY THE HALLIBURTON AND TRANSOCEAN
SETTLEMENTS’ OLD AND NEW CLASS CLAIMS ADMINISTRATORS
STATUS REPORT NO. 5 FEBRUARY 1, 2017**

The Old and New Class Claims Administrators for the HESI Punitive Damages and Assigned Claims Settlement Agreement and the Transocean Punitive Damages and Assigned Claims Settlement Agreement (Settlement Agreements) submit this Status Report pursuant to this Court’s October 23, 2015 Order [Rec. Doc. 15481] and December 16, 2016 [Rec. Doc. 22007] to inform the Court on the status of implementation of the Settlement Agreements as of January 31, 2017 in advance of the Court’s Status Hearing scheduled for February 17, 2017. All capitalized terms in this Status Report shall have the same meaning as in the Settlement Agreements and orders of this Court, or as otherwise set forth herein.

I. STATUS OF IMPLEMENTATION OF SETTLEMENT AGREEMENTS

A. Overview

Old Class

At this time the DHEPDS Settlement Program is engaged in continued efforts to complete processing determinations for the remaining population of DHEPDS claims, which will be discussed in greater detail in the DHEPDS Claims Administrator’s Report due to the Court on or before February 14, 2017 [Rec. Doc. 22007]. Once all DHEPDS claims are determined,

including any rights to request re-review, reconsideration, appeal under Section 6 of the DHEPDS Settlement Agreement, discretionary Court review, or appeal to the United States Fifth Circuit Court of Appeals, the Old Class distribution pro rata can be established.

New Class

The Fairness Hearing held on November 10, 2016 concluded outbound notice-related activities, and the New Class Claims Administrator is now focused on initial claims processing activities, including handling any questions/correspondence from potential New Class claimants, receiving Claim Forms, sending receipt notifications, and the early stages of claims processing. The claims filing deadline passed on December 15, 2016.

Final Approval Order

Both the Old and New Class Administrators await entry of the Final Approval Order, which, if approval is granted and once all appeal periods expire, will allow for full comingling of the HESI and Transocean Settlement Funds for streamlined distribution to the Old and New Classes as anticipated by the Parties and Chief Magistrate Judge Wilkinson in the Neutral Allocation and Reasons [Rec. Doc. 15652]. The Final Approval Order may also include further guidance on the Court's determination as to the scope of Court-Appointed Neutral Settled claims that should be included as part of the Old Class.

B. Claims Process

Old Class

As discussed in prior filings and at the Fairness Hearing, the Old Class is not required to file additional claims in order to be included in the Old Class distribution, but rather their payments will be determined based on prior claim determinations. However, the Old Class Administrator is currently working to identify any potential issues within the existing DHEPDS data set that may require follow up in order to establish the Old Class distribution values. Currently it is anticipated that the DHEPDS determinations will be complete in the latter part of 2017, barring any unforeseen circumstances, at which point the HESI/Transocean distribution preparations may begin.

New Class

Upon the passing of the claims filing deadline on December 15, 2016, the New Class Claims Administrator began segregating timely and late claims, giving claims in transit a two-week window for receipt. Of the 3,580 Claim Forms received to date, seven have been identified as late thus far.

Stage 1 processing of demographic information and basic claim type data capture is complete. Based on this preliminary data, the claim type distribution is as follows:¹

REAL PROPERTY	28%
Coastal Real Property	77%
Wetlands Real Property	14%
Real Property Sales Damage	5%
Oyster Leaseholder	4%
PERSONAL PROPERTY	4%
Vessel Physical Damage	33%
Personal Property Damage in Excess of \$500	67%
COMMERCIAL FISHING	41%
Menhaden	46%
Shrimp	14%
Oyster	7%
Finfish	4%
Finfish IFQ	1%
Blue Crab	4%
Other Seafood	3%
Seafood Crew	21%
CHARTERBOAT	3%
Charterboat Operator	82%
Charterboat Crew	18%
LOSS OF SUBSISTENCE	23%
NO CLAIM TYPE SELECTED	6%

¹ As Stage 2 processing is completed, the quantity of underlying sub-claims for each of the claim types selected on the Claim Forms will be captured within the processing screens and the claim type makeup may shift.

Additionally, acknowledgments have been sent to all claimants without individual representation confirming receipt of his/her/its Claim Form that submitted claims and providing the claimants with their Claimant ID. Attorneys that submitted Claim Forms on behalf of their clients will receive a single acknowledgment via email along with a list of Claimant Names and Claimant IDs for reconciliation to their files.

Given the limited scope of the objections to the New Class Distribution Model heard at the Fairness Hearing, the New Class Claims Administrator has started preparations for Stage 2 substantive processing of the underlying New Class Claim Forms in advance of receiving the Final Approval Order. Stage 2 processing will begin in February 2017.

The New Class Claims Administrator is also preparing standardized procedures including the establishment of a straightforward internal Settlements Program appeal and Court review process.

C. Determinations and Distribution

The estimates provided at the Fairness Hearing on behalf of the Old and New Class Administrators remain unchanged.

Old Class

The estimated completion for remaining DHEPDS determinations is the latter part of 2017. The Old Class distribution will likely occur 2-3 months after the final DHEPDS claim determinations are made; no determination letters will be mailed. The claimants or their representatives will be sent a distribution automatically based on the information on file with the DHEPDS Program.

New Class

Claims filed with the New Class Claims Administrator under review at this time are currently slated to be finished with review, determination, and internal Settlements Program appeal rights in late fall 2017, leaving only claims with Court Review requests to be finalized.

However, it is anticipated that the New Class distribution will require no less than 4-6 months after completion of the DHEPDS determinations in fall 2017 in order to complete the following tasks prior to distribution:

- Data transfer
- Quality assurance
- Representation status confirmation with law firms
- Provide determination letters for all DHEPDS-paid New Class members
- Appeals of New Class determinations (Program Appeal and/or Court Review)
- Finalize data for distribution
- Receive distribution approval from the Court
- Issue payments

Given the number of tasks involved the 4-6 month timeline is noted as a minimum above; however, all efforts will be made to expedite this process to achieve our goal of getting the distribution out to the New Class members as quickly as possible.

II. CONCLUSION

The Old and New Class Claims Administrators respectfully submit this Status Report so that the Court may be fully apprised of the status of the implementation of the Settlement Agreements. In the event the Court would like additional information the Old and New Class Claims Administrators are prepared to provide further details at the Court's request.

/s/ Patrick A. Juneau
PATRICK A. JUNEAU
OLD CLASS CLAIMS ADMINISTRATOR

/s/ Michael J. Juneau
MICHAEL J. JUNEAU
NEW CLASS CLAIMS ADMINISTRATOR