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Liaison Counsel for Plaintiffs

Honorable H. Russel Holland

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In re:)	
)	Case No. 3:89-cv-00095 (HRH)
The EXXON VALDEZ)	(Consolidated)
_____)	
)	
THIS DOCUMENT RELATES TO)	
ALL CASES)	
_____)	

**LEAD COUNSEL’S MOTION FOR AN ORDER AUTHORIZING
THE DISTRIBUTION OF FUNDS FROM THE ALYESKA QUALIFIED
SETTLEMENT FUND TO CLAIMANTS IN UNOILED FISHERY, C06B, D09E,
K09E, M01B, P07E, P09E, P09H AND R12E CLAIM CATEGORIES**

Lead Counsel moves the Court for an Order authorizing the Alyeska Qualified
Settlement Fund Administrator to distribute funds to claimants in the following small

1 oiled fisheries: C06B (Statewide Oiled Sablefish); D09E (PWS Dungeness Crab); K09E
2 (PWS King Crab); M01B (Statewide Oiled Miscellaneous Finfish); P07E (PWS Trawl
3 Shrimp); P09E (PWS Pot Shrimp); P09H (Cook Inlet Pot Shrimp); and R12E (PWS
4 Miscellaneous Shellfish), and in the Unoiled Fishery.

5
6 Because of the large number of potential claimants in the unoiled fisheries (which
7 include Southeast Alaska and Bristol Bay Salmon fishers) and in the small fisheries
8 which are the subject of this application, the Alyeska Plan of Distribution envisioned that
9 plaintiffs' counsel would wait until a more substantial sum of money were made
10 available before administration of unoiled and small fishery claims and distribution of
11 funds to the claimants in these categories would be made.

12
13 With the accumulation of another \$100 million in judgments and settlements from
14 Exxon between 1994 and 2001, and the 2008 transfer of a portion of the amounts due on
15 punitive damages, the Administrator has focused on processing both AQSF and Exxon
16 Qualified Settlement Fund (EQSF) Unoiled Fishery claims, and certain oiled fishery
17 claim categories where the total payments to all claimants is very small. The AQSF
18 Administrator is prepared now to pay claims totaling approximately \$2,249,989.61 to
19 3770 claimants who have perfected a claim to the AQSF in the Unoiled Fishery category,
20 and approximately \$155,621.00 to 510 claimants who have perfected a claim to the
21 AQSF in the small fisheries enumerated above. The Administrator expects to make
22 another application in mid-2009 to distribute EQSF Funds to these claimants.
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1 Administration of EQSF funds for Unoiled Fishery claimants will be slightly more
2 complicated because for some of the permit holders in the Unoiled Fishery, EQSF funds
3 will be distributed in part based on production, rather than exclusively a per capita
4 distribution. See Declaration of Lynn Lincoln Sarko in Support of Lead Counsel's
5 Application, attached as Exhibit C.
6

7 Exhibit A is a report showing the gross dollar allocations to claimants eligible to
8 receive funds in the Unoiled Fishery. Exhibit B is a report showing the gross dollar
9 allocations to claimants eligible to receive funds in the small oiled fisheries. This is a
10 final distribution for claimants in these categories of their share of the AQSF, and will
11 effectively give these claimants at least the share to which they were entitled under the
12 AQSF Plan of Distribution. See Declaration of Lynn Lincoln Sarko in Support of Lead
13 Counsel's Application, 5-7.
14
15

16 Respectfully submitted this 19th day of February 2009, at Anchorage, Alaska.
17

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Certificate of Service

The undersigned certifies that on February 19, 2009,
a true and correct copy of the foregoing LEAD COUNSEL'S MOTION
FOR AN ORDER AUTHORIZING THE DISTRIBUTION OF FUNDS
FROM THE ALYESKA QUALIFIED SETTLEMENT FUND
TO CLAIMANTS IN THE UNOILED FISHERY, Exhibits thereto, and the
Proposed Order Authorizing the Distribution of Funds was
served on the following attorneys or parties of record by electronic service:

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By: s/ David W. Oesting _____

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