

1 David W. Oesting  
2 DAVIS WRIGHT TREMAINE LLP  
3 701 West 8th Avenue, Suite 800  
4 Anchorage, AK 99501  
5 (907) 257-5300

6 Lead Counsel for Plaintiffs

7 Lloyd B. Miller  
8 SONOSKY, CHAMBERS, SACHSE,  
9 MILLER & MUNSON  
10 900 West 5th Avenue, Suite 700  
11 Anchorage, AK 99501  
12 (907) 258-6377

13 Liaison Counsel for Plaintiffs

Honorable H. Russel Holland

14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE DISTRICT OF ALASKA

16 In re: )  
17 ) Case No. 3:89-cv-095-HRH  
18 The EXXON VALDEZ ) (Consolidated)  
19 \_\_\_\_\_ )

20 THIS DOCUMENT RELATES TO )  
21 ALL CASES )  
22 \_\_\_\_\_ )

23 LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER  
24 DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN  
25 VARIOUS CATEGORIES AND THEIR ATTORNEYS, AND TO VARIOUS STATE  
PROPERTY FUNDS IF CLAIMANTS CANNOT BE LOCATED

This is the twenty-fourth application for authority to distribute portions of the

Davis Wright Tremaine LLP  
LAW OFFICES  
Suite 800 • 701 West 8<sup>th</sup> Avenue  
Anchorage, Alaska 99501  
(907) 257-5300 • Fax: (907) 257-5399

1 money plaintiffs received from Exxon as partial payments on the punitive damages  
2 judgment entered by the United States Supreme Court along with other funds received by  
3 the Exxon Qualified Settlement Fund (“EQSF”).

4           With the exception of a limited group of claimants for whom we have been unable  
5 to distribute claims primarily because of bad addresses or the deaths of the claimants  
6 without a person having come forward to receive the claim, all distributions pursuant to  
7 the Plan of Allocation and the Plans of Distribution have now been made. This  
8 application seeks permission to distribute shares to that limited group of claimants, with  
9 the understanding that if the EQSF is not able to locate them, or no one is available to  
10 make the claim after a period of about two years, their funds will be turned over to  
11 various state unclaimed property funds. This application also seeks authority, for those  
12 claimants whom the court previously authorized distributions, but who subsequently  
13 became lost or died, to also turn over their funds to state unclaimed property funds if the  
14 EQSF is not able to locate them during the same period.

15           As explained more fully in the Declaration of Lynn Lincoln Sarko, Administrator  
16 of the EQSF, there are two categories of entities (claimants, or claimants’ lien agents,  
17 heirs, assignees or other 3<sup>rd</sup>-party judgment holders, whom I will term “claimants’  
18 agents”) which are entitled to an award for whom we are currently unable to make a  
19 distribution.

20  
21  
22  
23  
24  
25  
**LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND  
THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT  
BE LOCATED - 2**

1           The first category involves those entities that have been the subject of prior orders  
2 authorizing distributions but for whom we do not have a current address or payee  
3 identified. Typically, this problem has resulted when, after we made and received  
4 approval for a distribution, we learned that an address that the EQSF and/or AQSF  
5 thought was viable turned out not to be so, or we learned that the person was deceased.  
6 There are also some entities for whom a technical problem remains with their claim.  
7 Despite ongoing efforts to find such entities, to identify a representative to come forward  
8 for an entity that is deceased, and to resolve technical problems, many of which efforts  
9 have been successful, there remains a group of such entities whom the EQSF and/or  
10 AQSF still have been unable to fully pay. Entities that are not fully paid are categorized  
11 alphabetically on Exhibits A1-A3, with data regarding the sources of undistributed funds  
12 by claim category and distribution source, as well as data regarding the extent to which  
13 the claimant or a lienholder is scheduled to receive the allocation(s). Claimants who have  
14 a previously approved allocation, but are not fully paid, are listed in Exhibit A-1 to the  
15 Sarko declaration.<sup>1</sup> Currently, there are 2326 claimants listed on Exhibit A-1 along with  
16 specific information about how much of each allocation for the claimant would go, if any,  
17 to a lien-holder. Exhibit A-2 lists exclusively those 1846 claimants who are currently

---

18  
19  
20  
21  
22  
23  
24  
25  
<sup>1</sup> Because our efforts to process claims are ongoing, some of the persons on this list will have been found and their claims paid by the time this declaration is submitted to the Court.

LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT BE LOCATED - 3

1 scheduled to actually receive a portion of their award and the amount they will receive.  
 2 Exhibit A-3 lists exclusively the 350 lien-holders who are scheduled to actually receive a  
 3 portion of claimants' awards and the amount each lien-holder will receive.<sup>2</sup> For all of  
 4 these entities we seek authority through this application to turn over their awards to state  
 5 unclaimed property funds<sup>3</sup> if we are not able to pay them over approximately the next  
 6 two years.  
 7

8 The second category involves those claimants who we have known for some time  
 9 do not have a current address, or who are deceased and no representative has come  
 10 forward, and, as a result, we have not included those claims on prior applications. Those  
 11 persons and the gross amounts of their awards are listed in Exhibits B1-4 to the Sarko  
 12

13  
 14 \_\_\_\_\_  
 15 <sup>2</sup> Because there are some lienholders who receive the entire amount of multiple claimants'  
 awards, the sum of 1836 and 350 is less than the 2326 claimants on Exhibit A-1.

16 <sup>3</sup> Each of the 50 states maintains funds for the deposit of unclaimed property which may provide  
 17 a resource for ultimate distribution of unclaimed awards if the EQSF and/or AQSF remain  
 18 unable to identify a proper recipient and distribute the awards that are the subject of Exhibits A  
 19 and B. Representative legislation authorizing the establishment of such funds and describing  
 20 their operation is contained in *A.S. 34.45.110-780* for Alaska, *R.C.W. 63.29.010-906* for  
 21 Washington, *Code of Civil Procedure, Part 3, Title 10, Chapter 7, Secs. 1500-1582* for  
 22 California, and *O.R.S. 98.05-.436* for Oregon. To the extent we are unable to transfer awards to  
 23 the persons entitled to receive them, we are proposing to turn over those awards to the state of  
 24 the last known address of such persons. Of the unique entities (claimants and lienholders) who  
 are entitled to receive a distribution, for those that ultimately have a last known address that is a  
 foreign jurisdiction, or have an unknown address, if the efforts to find them as outlined below in  
 paragraphs 6-9 are unsuccessful, we are proposing to turn over their claims to the State of  
 Washington's unclaimed property program. Mr. Sarko's declaration details the potential  
 distribution of such awards, though we anticipate, through the efforts outlined below, to be able  
 to transfer the great bulk of the funds that are listed on Exhibits A and B.

25 LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
 QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND  
 THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT  
 BE LOCATED - 4

1 declaration. Claims are listed in the format we have used for prior original applications.  
2 Thus Exhibit B-1 lists those 322 unoled fishery claimants for whom an application is  
3 being made to distribute compensatory damages; Exhibit B-2 lists those 626 claimants  
4 from multiple claim categories for whom an application is being made to distribute  
5 punitive damages principal payments; Exhibit B-3 lists those 655 claimants from multiple  
6 claim categories for whom an application is being made to distribute punitive damages  
7 principal payments; and Exhibit B-4 lists those 677 claimants from multiple claim  
8 categories for whom an application is being made to distribute final distribution payments  
9 (the source of which is the \$70 million Exxon transferred after it determined not to appeal  
10 on costs). Exhibit B-5 collects all of the claimant names on Exhibits B-1 through B-4,  
11 and lists the 732 claimants for whom this application is being made, along with the total  
12 net amount, after attorneys' fees have been deducted, that those claimants are scheduled  
13 to receive and the last known jurisdiction with which they were associated. For all of the  
14 entities in Exhibit B5, we seek authority through this application both to distribute their  
15 funds and to turn over their awards to state unclaimed property funds if we are not able to  
16 pay them over approximately the next two years.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

21  
22  
23  
24  
25

Though all amounts that remain available are listed in each of the Exhibits A-B,  
above, I anticipate that the amount that will ultimately have to be remitted to the various  
state unclaimed property funds will be very small. This is because, over the period of

LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND  
THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT  
BE LOCATED - 5

1 administration, with a particular focus during the last six months, we propose to  
 2 undertake an aggressive program to identify persons with defects in their claims,  
 3 primarily claimants who do not have current addresses, and claimants who are deceased  
 4 but for whom no proper entity has yet come forward to receive the claim. Over the past  
 5 few months, we have focused on claims in excess of \$10,000, and have been over 98%  
 6 successful in transferring claim amounts for that group, which claims have now been  
 7 paid. It is our intention (as it is for the direct action firms with claimants),<sup>4</sup> to continue  
 8 such efforts for the claims that are the subject of Exhibits A and B. Indeed, we have  
 9 contacted a substantial number of the entities on those exhibits already, and efforts are  
 10 underway to claim amounts due by personal representatives who are opening estates,  
 11 representatives of decedents who are gathering information to comply with collection  
 12 affidavit statutes, and others who are providing whatever is needed to claim funds to  
 13 which they are entitled.

14  
 15  
 16  
 17 Based on our successful work identifying such entities so far, I am proposing to

18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525  
 526  
 527  
 528  
 529  
 530  
 531  
 532  
 533  
 534  
 535  
 536  
 537  
 538  
 539  
 540  
 541  
 542  
 543  
 544  
 545  
 546  
 547  
 548  
 549  
 550  
 551  
 552  
 553  
 554  
 555  
 556  
 557  
 558  
 559  
 560  
 561  
 562  
 563  
 564  
 565  
 566  
 567  
 568  
 569  
 570  
 571  
 572  
 573  
 574  
 575  
 576  
 577  
 578  
 579  
 580  
 581  
 582  
 583  
 584  
 585  
 586  
 587  
 588  
 589  
 590  
 591  
 592  
 593  
 594  
 595  
 596  
 597  
 598  
 599  
 600  
 601  
 602  
 603  
 604  
 605  
 606  
 607  
 608  
 609  
 610  
 611  
 612  
 613  
 614  
 615  
 616  
 617  
 618  
 619  
 620  
 621  
 622  
 623  
 624  
 625  
 626  
 627  
 628  
 629  
 630  
 631  
 632  
 633  
 634  
 635  
 636  
 637  
 638  
 639  
 640  
 641  
 642  
 643  
 644  
 645  
 646  
 647  
 648  
 649  
 650  
 651  
 652  
 653  
 654  
 655  
 656  
 657  
 658  
 659  
 660  
 661  
 662  
 663  
 664  
 665  
 666  
 667  
 668  
 669  
 670  
 671  
 672  
 673  
 674  
 675  
 676  
 677  
 678  
 679  
 680  
 681  
 682  
 683  
 684  
 685  
 686  
 687  
 688  
 689  
 690  
 691  
 692  
 693  
 694  
 695  
 696  
 697  
 698  
 699  
 700  
 701  
 702  
 703  
 704  
 705  
 706  
 707  
 708  
 709  
 710  
 711  
 712  
 713  
 714  
 715  
 716  
 717  
 718  
 719  
 720  
 721  
 722  
 723  
 724  
 725  
 726  
 727  
 728  
 729  
 730  
 731  
 732  
 733  
 734  
 735  
 736  
 737  
 738  
 739  
 740  
 741  
 742  
 743  
 744  
 745  
 746  
 747  
 748  
 749  
 750  
 751  
 752  
 753  
 754  
 755  
 756  
 757  
 758  
 759  
 760  
 761  
 762  
 763  
 764  
 765  
 766  
 767  
 768  
 769  
 770  
 771  
 772  
 773  
 774  
 775  
 776  
 777  
 778  
 779  
 780  
 781  
 782  
 783  
 784  
 785  
 786  
 787  
 788  
 789  
 790  
 791  
 792  
 793  
 794  
 795  
 796  
 797  
 798  
 799  
 800  
 801  
 802  
 803  
 804  
 805  
 806  
 807  
 808  
 809  
 810  
 811  
 812  
 813  
 814  
 815  
 816  
 817  
 818  
 819  
 820  
 821  
 822  
 823  
 824  
 825  
 826  
 827  
 828  
 829  
 830  
 831  
 832  
 833  
 834  
 835  
 836  
 837  
 838  
 839  
 840  
 841  
 842  
 843  
 844  
 845  
 846  
 847  
 848  
 849  
 850  
 851  
 852  
 853  
 854  
 855  
 856  
 857  
 858  
 859  
 860  
 861  
 862  
 863  
 864  
 865  
 866  
 867  
 868  
 869  
 870  
 871  
 872  
 873  
 874  
 875  
 876  
 877  
 878  
 879  
 880  
 881  
 882  
 883  
 884  
 885  
 886  
 887  
 888  
 889  
 890  
 891  
 892  
 893  
 894  
 895  
 896  
 897  
 898  
 899  
 900  
 901  
 902  
 903  
 904  
 905  
 906  
 907  
 908  
 909  
 910  
 911  
 912  
 913  
 914  
 915  
 916  
 917  
 918  
 919  
 920  
 921  
 922  
 923  
 924  
 925  
 926  
 927  
 928  
 929  
 930  
 931  
 932  
 933  
 934  
 935  
 936  
 937  
 938  
 939  
 940  
 941  
 942  
 943  
 944  
 945  
 946  
 947  
 948  
 949  
 950  
 951  
 952  
 953  
 954  
 955  
 956  
 957  
 958  
 959  
 960  
 961  
 962  
 963  
 964  
 965  
 966  
 967  
 968  
 969  
 970  
 971  
 972  
 973  
 974  
 975  
 976  
 977  
 978  
 979  
 980  
 981  
 982  
 983  
 984  
 985  
 986  
 987  
 988  
 989  
 990  
 991  
 992  
 993  
 994  
 995  
 996  
 997  
 998  
 999  
 1000

1 make at least the following efforts during the period following approval of this  
2 application prior to the distribution of any funds to a state unclaimed property fund.  
3 (Such efforts are, of course, already underway.) Each of the direct action firms which  
4 will receive funds for their own clients has also agreed to use at least the same level of  
5 efforts to try to find the claimants for which they will receive funds.  
6

- 7 • The EQSF website would contain a list of all 2645 entities on Exhibit C  
8 listing the amount of their claim, and with instructions available on how to  
9 contact someone at the EQSF (or the applicable direct action firm) to  
10 collect the claim. To call attention to the information available on the  
11 website, we would intend to publish notices in the Anchorage Daily News,  
12 the Cordova Times, the Kodiak Daily Mirror, the Homer Tribune, the  
13 Seward Phoenix Log, the Peninsula Clarion, the Valdez Star, the Juneau  
14 Empire and the Seattle Times, advising potential recipients that information  
15 regarding undistributed funds is available on the website, providing a  
16 telephone number for access to a person who could assist with collecting  
17 the proper information, and providing an address to which someone could  
18 write for further information.
- 19 • For each of the approximately 1650 entities scheduled to receive over \$50,  
20  
21  
22  
23

24  
25 LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND  
THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT  
BE LOCATED - 7

1 we would attempt to use the IRS's letter forwarding service to contact lost  
2 claimants. At a marginal cost of approximately \$2.00 per entity, the IRS is  
3 willing to send *our* letter to the entity at the most recent address *the IRS* has  
4 if we provide the content of the letter, and the person's social security  
5 number. We would anticipate sending different letters to those entities  
6 whom the EQSF and/or AQSF believes are alive, and those who we believe  
7 are deceased, with the latter asking that a representative of the decedent  
8 come forward to claim the money.

- For each of the 750 entities scheduled to receive over \$1,000, we would  
assign an individual to attempt to find the entity and assist in the perfection  
of the claim through a combination of devices including some or all of the  
following:

- (1) Internet searches to identify most recent address or other contact  
information;
- (2) Attempting to contact persons who appear from our files to possibly have  
some relationship with the applicant (such as previous skippers for  
commercial fishing claims);
- (3) Contacting Native organizational entities, such as regional corporations,  
village corporations, tribal entities, municipal entities and non-profit Native

25 LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND  
THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT  
BE LOCATED - 8

1 organizations to locate those with Native claims, or who otherwise appear  
2 to be Alaska Native;

3 (4) Searching obituary records and state probate records for evidence of estates  
4 that may have been opened for decedents, and then contacting lawyers or  
5 personal representatives who may have been involved with the estates;

6 (5) Trying to find claimant relatives or friends identifiable from EQSF files or  
7 other sources;

8 (6) Searching *Courtview* (Alaska's site that lists all open and closed state Court  
9 cases) and similar sites in other jurisdictions to locate entities; and

10 (7) Contacting trade groups (such as fishermen's organizations) for relevant  
11 entities.  
12

13 Assuming that the Court approves this application on or about December 1, 2011,  
14 it is my intention to file a report with the Court regarding the progress that we make  
15 releasing funds to the claimants and claimant agents on Exhibits A and B every six  
16 months. We anticipate that the great bulk of our efforts would occur during the first six-  
17 month period, and that after that period, very few entities would come forward to claim  
18 their shares. Nonetheless, the EQSF and/or AQSF would continue to be available to  
19 distribute shares if entities come forward with appropriate documentation. I also  
20  
21  
22  
23  
24

25 LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND  
THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT  
BE LOCATED - 9

1 anticipate a final report to the Court on or about December 1, 2013, that the EQSF and/or  
2 AQS<sup>5</sup> have in fact concluded the administration of the settlement funds by distributing  
3 the balance to the various lost property funds.

4 A proposed order is attached authorizing the proposed distributions discussed in  
5 this application.  
6

7 Respectfully submitted this 4th day of November 2011.  
8

9 s/ David W. Oesting  
10 DAVIS WRIGHT TREMAINE LLP  
11 701 West 8<sup>th</sup> Avenue, Suite 800  
12 Anchorage, AK 99501  
13 Telephone: (907) 257-5300  
14 Facsimile: (907) 257-5399  
15 ABA No. 8106041  
16 E-mail: daveoesting@dwt.com  
17  
18  
19  
20

21 \_\_\_\_\_  
22 <sup>5</sup> The AQS<sup>F</sup> is in the process of identifying entities that have yet to be fully distributed, similar  
23 to that information detailed by the EQSF as summarized in Exhibit C. All AQS<sup>F</sup> funds have  
24 been the subject of prior distribution orders. It is our intent, that for each time we prepare the  
25 semi-annual reports to the Court as outlined in Section 9 above, we will include detailed AQS<sup>F</sup>  
information as well. As of today, we estimate that there are approximately 700 non-fully paid  
entities in the AQS<sup>F</sup> who have claims worth approximately \$460,000.

LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON  
QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND  
THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT  
BE LOCATED - 10

*In re the Exxon Valdez*, Case No. 3:89-cv-095-HRH  
DWT 18512321v1 0027510-000015

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Certificate of Service

The undersigned certifies that on November 4th, 2011, a true and correct copy of the foregoing LEAD COUNSEL'S LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT BE LOCATED was served on the following attorneys or parties of record by the court's ECF system:

Douglas J. Serdahely  
PATTON BOGGS LLP  
E-mail: dserdahely@pattonboggs.com

Lloyd B. Miller  
SONOSKY, CHAMBERS, SACHSE,  
MILLER & MUNSON  
E-mail: lloyd@sonosky.net

By: s/ David W. Oesting

**Davis Wright Tremaine LLP**  
LAW OFFICES  
Suite 800 · 701 West 8<sup>th</sup> Avenue  
Anchorage, Alaska 99501  
(907) 257-5300 · Fax: (907) 257-5399

LEAD COUNSEL'S TWENTY-FOURTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND THEIR ATTORNEYS, AND TO VARIOUS STATE PROPERTY FUNDS IF CLAIMANTS CANNOT BE LOCATED - 11