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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:)
The EXXON VALDEZ) Case No. 3:89-cv-00095-HRH
(Consolidated)

_____)
THIS DOCUMENT RELATES TO)
ALL CASES)
_____)

LEAD COUNSEL'S FIFTH APPLICATION FOR AN ORDER DISTRIBUTING
EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO
CLAIMANTS IN MULTIPLE CLAIM CATEGORIES AND THEIR ATTORNEYS

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1 This is the fifth of several applications for authority to distribute portions of the
2 \$383,349,750.00 plaintiffs received from Exxon in August 2008, as a partial payment on
3 the punitive damages judgment entered by the United States Supreme Court. Issues
4 involving costs and interest have now been resolved by the June 15, 2009 Ninth Circuit
5 opinion. There remains a possibility of continued litigation through a request for
6 reconsideration or en banc consideration with the Circuit, or a petition for certiorari.
7
8 Nonetheless, Lead Counsel wishes to continue to distribute as much of the amount
9 already received as reasonably possible.
10

11 This motion addresses claimants in 26 claim categories, all of which have been the
12 subject of prior applications requesting that punitive damages be distributed. As Mr.
13 Sarko explains in his attached declaration, the 407 claims have a gross value of
14 \$8,554,826.93, and represent over 2.7283 % of the Punitive Damages available for
15 distribution. Dollar figures for the 407 claims are provided in the attached Exhibit A for
16 claimants in these 26 claim categories and are gross dollar allocations to claimants prior
17 to any deductions for attorneys' fees.
18

19 This submission does not cover any of the remaining claim categories, which will
20 be covered in future applications.
21

22 The Court is also directed to the portion of Mr. Sarko's declaration at which he
23 summarizes the progress of the distributions made thus far. I am pleased to report that
24
25

1 over 80% of the punitive damages money available for distribution to claimants covered
2 by the Plan of Allocation has already been distributed, and, assuming the Court grants
3 this application, over 90 % will have been distributed by August. Counting the
4 distributions to the Chugach Corporation group, which preceded the First Application,
5 the percentages are significantly higher.

6
7 Respectfully submitted this 19th day of June 2009.

8
9 s/ David W. Oesting
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17 Certificate of Service

18 The undersigned certifies that on June 19, 2009, a true and correct copy of the foregoing
19 LEAD COUNSEL'S FIFTH APPLICATION FOR AN ORDER DISTRIBUTING
20 EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO CLAIMANTS IN
21 MULTIPLE CLAIM CATEGORIES AND THEIR ATTORNEYS
22 was served on the following attorneys or parties of record by the court's ECF system:

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LEAD COUNSEL'S FIFTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON
QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO CLAIMANTS IN
MULTIPLE CLAIM CATEGORIES AND THEIR ATTORNEYS - 3

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