

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

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

Lead Counsel for Plaintiffs

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

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-095 (HRH)
The EXXON VALDEZ) (Consolidated)
_____)

THIS DOCUMENT RELATES TO)
ALL CASES)
_____)

DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF LEAD COUNSEL'S SEVENTEENTH PUNITIVE DAMAGES APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANTS IN VARIOUS CATEGORIES AND THEIR ATTORNEYS

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

1 1. I am the Court-appointed Claims Administrator of both the Exxon Qualified
2 Settlement Fund (hereinafter "EQSF") and the Alyeska Qualified Settlement Fund
3 (hereinafter "AQSF"). I make this declaration based on personal knowledge and am
4 competent to testify to the matters set forth herein.
5

6 2. The current application (All Plaintiffs' Lead Counsel's Seventeenth Punitive
7 Damages Application) to distribute EQSF funds covers claimants scheduled to receive
8 their portion of the Final Distribution (as defined in connection with the Sixteenth
9 Application), as well as Combined Compensatory Damages, Punitive Damages Principal
10 and/or Punitive Damages Interest for these claimants if they have not previously received
11 those distributions. This application covers claimants primarily but not exclusively in
12 four categories: (1) claimants who have a lien as a result of a bankruptcy proceeding (2)
13 claimants who have a single lien owed to the State of Alaska's Commercial Fisheries
14 Aquaculture Bank or Division of Investments; (3) claimants who have a single lien owed
15 to a child support enforcement agency in Alaska or elsewhere; and (4) claimants who had
16 some impediment to distribution in a prior application, but for whom the impediment is
17 resolved. Examples of such impediments include the failure of a personal representative
18 to have identified themselves in the past, (now cleared because we have received notice
19 of a court appointment or an appropriate affidavit for a small estate), or IRS liens which
20 have now been released. Though the current application covers primarily claimants with
21 single liens or claimants for whom impediments to distribution have been cleared up,
22
23
24
25

1 there will be some additional claimants covered, including claimants with contested
2 claims, like Mr. Robert Bellanich, for whom the Court directed that the Administrator¹
3 process his Unoiled fisheries claim, and he is thus now eligible to receive a distribution.

4
5 3. To assist the Court in its planning, and to provide notice to claimants not
6 covered by this current application, I provide the following information regarding the
7 timing and content of anticipated future applications.

- 8 • Following essentially the same approach used in connection with the
9 distribution of punitive damages and interest, I am expecting to make an
10 eighteenth application that will involve claimants in all claim categories
11 whose sole impairment is a levy, voluntary withholding or involuntary
12 withholding to be paid to the Internal Revenue Service.
- 13 • The nineteenth application will involve claimants in all claim categories
14 with single liens owed to all other entities, including, primarily, general
15 judgment debtors and former spouses.
- 16 • We will then file successive applications for claimants in all claim
17 categories with multiple liens. We anticipate continuing to identify as
18 many multiple lien claims in each application that will permit us to get the
19 payments out within approximately four weeks after the Court grants an
20 order.

21
22
23
24
25

¹ Docket 9602

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

1 4. Exhibit A to this declaration sets out the gross amounts of Combined
2 Compensatory Damages (the Supplemental, Compensatory Damages and Compensatory
3 Interest allocations are consolidated on Exhibit A) payments allocated to claimants.
4 There are 1332 claims to 444 claimants being paid, the total amount of which is
5 \$129,807.05.
6

7 5. Exhibit B to this declaration sets out the gross amounts of Punitive Damages
8 Principal allocated to claimants. There are 601 claims being paid, the total amount of
9 which is \$1,072,793.48.
10

11 6. Exhibit C to this declaration sets out the gross amounts of Punitive Damages
12 Interest allocated to claimants. There are 693 claims being paid, the total amount of
13 which is \$1,366,370.62.
14

15 7. Exhibit D to this declaration sets out the gross amounts of the Final
16 Distribution allocated to claimants. There are 1479 claims being paid, the total amount of
17 which is \$4,849,712.57.
18

19 8. Exhibit E to this declaration sets out the gross amounts of the Final Distribution
20 allocation to claimant Ray Welsh III, for his damaged gear claim. There is one claim
21 being paid, the total amount of which is \$226.93.
22

23 9. Exhibit F to this declaration sets out the total gross amount due to claimants
24 with contested claims now eligible to receive payment. These claims, which are different
25 from the others included on this Application, will be paid from the 1% Contingency

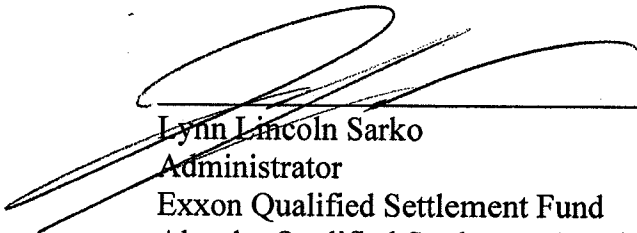
1 Fund. There are two claims being paid, the total amount of which is \$8,922.98.

2 5. For the 4118 claims covered by this Seventeenth Application, distributions to
3 or on behalf of the claimants will be made as set out in Exhibits A-F to this declaration,
4 and if the Court approves this distribution, a gross distribution of \$7,427,833.63 will be
5 made.
6

7 6. If the Court approves the current request, I will begin authorizing payments to
8 be issued to each of the listed claimants as soon as possible after entry of this Court's
9 order approving the distribution application.
10

11 7. I certify under penalty of perjury of the laws of the State of Washington that the
12 foregoing is true and correct.

13 DATED this 18thth day of January 2011 at Seattle, Washington.

14
15
16 
17 Lynn Lincoln Sarko
18 Administrator
19 Exxon Qualified Settlement Fund
20 Alyeska Qualified Settlement Fund
21 Post Office Box 21945
22 Seattle, Washington 98111
23 (206) 623-1900

24 Certificate of Service

25 The undersigned certifies that on January 18th, 2011, a true and correct copy of the foregoing
DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF 17th PUNITIVE DAMAGES
APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS
TO CLAIMANTS IN VARIOUS CLAIM CATEGORIES AND THEIR ATTORNEYS
was served on the following attorneys or parties of record by the court's ECF system:

Douglas J. Serdahely Lloyd B. Miller
PATTON BOGGS LLP SONOSKY, CHAMBERS, SACHSE,
E-mail: dserdahely@pattonboggs.com MILLER & MUNSON
E-mail: lloyd@sonosky.net

By: s/ David W. Oesting

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