

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-00095-HRH  
18 The EXXON VALDEZ ) (Consolidated)  
19 \_\_\_\_\_ )

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

23 LEAD COUNSEL'S SEVENTEENTH PUNITIVE DAMAGES APPLICATION FOR  
24 AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO  
25 CLAIMANTS IN VARIOUS CATEGORIES AND THEIR ATTORNEYS

This is the seventeenth of several applications for authority to distribute portions of the money plaintiffs received from Exxon as partial payments on the punitive damages

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 judgment entered by the United States Supreme Court. The current application (All  
2 Plaintiffs' Lead Counsel's Seventeenth Punitive Damages Application) to distribute  
3 EQSF funds covers claimants scheduled to receive their portion of the Final Distribution  
4 (as defined in connection with the Sixteenth Application), as well as Combined  
5 Compensatory Damages, Punitive Damages Principal and/or Punitive Damages Interest  
6 for these claimants if they have not previously received those distributions. *See*  
7 Declaration Of Lynn Lincoln Sarko In Support Of Lead Counsel's Seventeenth Punitive  
8 Damages Application For An Order Distributing Exxon Qualified Settlement Funds To  
9 Claimants In Various Categories And Their Attorneys, filed herewith.  
10  
11

12 This application covers claimants primarily but not exclusively in four categories:

13 (1) claimants who have a lien as a result of a bankruptcy proceeding (2) claimants who  
14 have a single lien owed to the State of Alaska's Commercial Fisheries Aquaculture Bank  
15 or Division of Investments; (3) claimants who have a single lien owed to a child support  
16 enforcement agency in Alaska or elsewhere; and (4) claimants who had some impediment  
17 to distribution in a prior application, but for whom the impediment is resolved. Examples  
18 of such impediments include the failure of a personal representative to have identified  
19 themselves in the past, (now cleared because we have received notice of a court  
20 appointment or an appropriate affidavit for a small estate), or IRS liens which have now  
21 been released. Though the current application covers primarily claimants with single  
22 liens or claimants for whom impediments to distribution have been cleared up, there will  
23  
24  
25

LEAD COUNSEL'S SEVENTEENTH PUNITIVE DAMAGES APPLICATION FOR AN ORDER  
DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANT IN VARIOUS  
CATEGORIES AND THEIR ATTORNEYS - 2

*In re the Exxon Valdez*, Case No. 3:89-cv-095-HRH

1 be some additional claimants covered, including claimants with contested claims, like  
2 Mr. Robert Bellanich, for whom the Court directed that the Administrator<sup>1</sup> process his  
3 unopened fisheries claim, and he is thus now eligible to receive a distribution.  
4

5 To assist the Court in its planning, and to provide notice to claimants not covered  
6 by this current application, we provide the following information regarding the timing  
7 and content of anticipated future applications.  
8

- 9 • Following essentially the same approach used in connection with the  
10 distribution of punitive damages and interest, the Administrator is  
11 expecting to make an eighteenth application that will involve claimants in  
12 all claim categories whose sole impairment is a levy, voluntary withholding  
13 or involuntary withholding to be paid to the Internal Revenue Service.
- 14 • The nineteenth application will involve claimants in all claim categories  
15 with single liens owed to all other entities, including, primarily, general  
16 judgment debtors and former spouses.
- 17 • We will then file successive applications for claimants in all claim  
18 categories with multiple liens. We anticipate continuing to identify as  
19 many multiple lien claims in each application as will permit us to get the  
20  
21  
22  
23  
24

---

25 <sup>1</sup> Docket 9602.

1 payments out within approximately four weeks after the Court grants an  
2 order.

3  
4 For the 4118 claims covered by this seventeenth application, distributions to or on  
5 behalf of the claimants will be made as set out in Exhibits A-F to the Declaration of Lynn  
6 Lincoln Sarko, and if the Court approves this distribution, a gross distribution of  
7 \$7,427,833.63 will be made. That total is composed of \$129,807.05 to claimants  
8 receiving Combined Compensatory Damages (the Supplemental, Compensatory  
9 Damages and Compensatory Interest allocations) in categories other than damaged gear  
10 (Exhibit A); \$1,072,793.48 to claimants receiving Punitive Damages Principal in  
11 categories other than damaged gear (Exhibit B); \$1,366,370.62 to claimants receiving  
12 Punitive Damages Interest in categories other than damaged gear (Exhibit C);  
13 \$4,849,712.57 to claimants receiving their Final Distribution in categories other than  
14 damaged gear (Exhibit D); \$226.93 to 1 claimant receiving his Final Distribution for a  
15 damaged gear claim (Exhibit E); and \$8,922.98 to claimants with contested claims now  
16 eligible to receive payment (Exhibit F).

17  
18  
19  
20 A proposed order is attached authorizing the proposed distributions discussed in  
21 this application.

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

Respectfully submitted this 19th day of January 2011.

s/ David W. Oesting  
DAVIS WRIGHT TREMAINE LLP  
701 West 8<sup>th</sup> Avenue, Suite 800  
Anchorage, AK 99501  
Telephone: (907) 257-5300  
Facsimile: (907) 257-5399  
ABA No. 8106041  
E-mail: daveoesting@dwt.com

Certificate of Service

The undersigned certifies that on January 19, 2011, a true and correct copy of the foregoing LEAD COUNSEL'S SEVENTEENTH APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT PUNITIVE DAMAGE FUNDS TO MULTIPLE CLAIM CATEGORIES AND THEIR ATTORNEYS 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 SEVENTEENTH PUNITIVE DAMAGES APPLICATION FOR AN ORDER DISTRIBUTING EXXON QUALIFIED SETTLEMENT FUNDS TO CLAIMANT IN VARIOUS CATEGORIES AND THEIR ATTORNEYS - 5