

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**In re: Oil Spill by the Oil Rig  
“Deepwater Horizon” in the Gulf  
of Mexico, on April 20, 2010**

**MDL 2179**

**SECTION “J”**

**This Document Relates To:  
*No. 15-4143, 15-4146 & 15-4654***

**Judge Barbier  
Chief Magistrate Judge  
Joseph C. Wilkinson, Jr.**

**REPORT BY THE HALLIBURTON AND TRANSOCEAN  
SETTLEMENTS’ OLD AND NEW CLASS CLAIMS ADMINISTRATOR**

**STATUS REPORT NO.**

**16**

**DATE**

**NOVEMBER 1, 2019**

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**STATUS REPORT BY THE HALLIBURTON AND TRANSOCEAN SETTLEMENTS’**

**OLD AND NEW CLASS CLAIMS ADMINISTRATOR**

**STATUS REPORT NO. 16 FILED NOVEMBER 1, 2019**

The Old and New Class Claims Administrator (the “Claims Administrator”) for the HESI Punitive Damages and Assigned Claims Settlement Agreement and the Transocean Punitive Damages and Assigned Claims Settlement Agreement (“Settlement Agreements”) submits this Status Report pursuant to this Court’s October 23, 2015 Order [Rec. Doc. 15481] to inform the Court on the status of implementation of the Settlement Agreements. All capitalized terms in this Status Report shall have the same meaning as in the Settlement Agreements and orders of this Court, or as otherwise set forth herein.

**I. STATUS OF IMPLEMENTATION OF SETTLEMENT AGREEMENTS**

**A. Overview**

**Old Class**

The Settlements Program has continued to issue payments to Old Class members as they have become eligible leaving only a few hundred claimants with pending DHEPDS appeals or complex issues yet to receive distribution.

## **New Class**

The Settlements Program began the New Class A Distribution on September 9, 2019, and is poised to complete processing of the Real Property claims to be paid in the New Class B Distribution in the near term, but a large volume of appeals have been received that remain in process.

### **B. Claims Process**

## **Old Class**

IRS backup withholding was applied in the most recent distribution for claims with unverified name and taxpayer identification number combinations. The Settlements Program requested claimants or their counsel submit a valid W-9 to the Settlements Program on multiple occasions prior to taking this action, and the Settlements Program attempted to confirm matching name and taxpayer number combinations with the IRS directly as well to avoid withholding if possible.

At this point, claims with an approximate distribution value of \$1.85 million remain on hold due to a variety of complex issues including: dissolved business alternate payee documentation, deceased claimant alternate payee documentation, bankruptcy proceedings, deceased/non-responsive attorneys, unresolved DHEPDS claims, or other unique circumstances still being handled with the claimant or claimant's representative. The Settlements Program is concentrating on clearing these claims for distribution in the next 90 days, to the extent possible.

Check reissues have been taking place on a rolling basis at the request of claimants, and the Settlements Program will be working to follow up on uncashed checks in the coming weeks.

## **New Class**

New Class claims remain divided between the three administrative tracks.

- (a) New Class Distribution A commenced on September 9, 2019, for non-Reserve status claims. The distribution remains in process and will include many claims initially held for missing/invalid W-9s, prior lien confirmation, or other hold conditions identified during the Old Class distribution that have now been resolved.
- (b) New Class Distribution A claims that were part of the Reserve population continue working their way through the DHEPDS or Settlements Program appeals and Court

Review processes. To the extent a Reserve claim is now payable it is updated to eligible status and paid during the next distribution round.

- (c) For New Class Distribution B Claims, there are now fewer than 50 claims that require initial determinations that remain in deficiency processing at this time. Just over 800 other claims remain in process as they await expiration of a response deadlines, are actively in Settlements Program appeal review, or have been forwarded to Chief Magistrate Judge Wilkinson after a request for Court Review was submitted to the Settlements Program.

The Settlements Program has been mailing determination letters related to New Class Claims submitted via a New Class Claim Form on a rolling basis, and at this time fewer than 50 Real Property claims are pending initial determination notices. These claims represent some of the most complex and large-scale land reviews, requiring extensive mapping and additional follow up in most instances. A number of these claims are undergoing review following a prior appeal by the claimant and remand by the Claims Administrator as well.

Since Quarterly Status Report 15 was filed, appeal deadlines passed on several thousand New Class B claims that resulted in additional appeal filings, many of which were received with expanded documentation that required additional mapping. At this time 1,138 claims from 130 Claimants are in appeal status, with 17 Claimants slated to receive Appeal Determination letters addressing all of their outstanding appealed claims shortly and 113 Claimants with appeals that remain under consideration by the Claims Administrator.

After issuing decisions on 23 Court review requests since the last status report, 39 are currently pending with Chief Magistrate Judge Wilkinson for consideration, which represents all Court Review Requests received to date.

Responses to deficiency notices, review of additional documentation submitted with appeals, and remand reviews have required additional GIS mapping and determinations to be conducted; such reviews are ongoing at this time.

Upon the bulk of the notice response deadlines expiring and the appeal determinations being made such that a reliable reserve determination can be established that should avoid an undue surplus of holdback funds, the Claims Administrator will file the motion for distribution in relation to the Real Property claims.

## **Determinations and Distribution**

The Old Class distribution remains in process, and the Claims Administrator will continue to oversee the accurate handling of all payments pursuant to the Court-approved Old Class Distribution Model and the Court's Order approving the distribution.

New Class Distribution A commenced September 9, 2019, and the Claims Administrator will continue to follow up on any Reserve or held claims until all payments have been issued in accordance with the Court's distribution approval Order.

New Class Distribution B for Real Property claims will be slated for early 2020 in order to accommodate making determinations on the significant number of recent claim appeals prior to setting a reserve value for Real Property claims that remain in progress at that time. The Claims Administrator's goal in doing this is to maximize direct payments in this final round of distributions and minimize residual funds at the close of New Class Distribution B.

## **II. CONCLUSION**

The Claims Administrator respectfully submits this Status Report so that the Court may be fully apprised of the status of the implementation of the Settlement Agreements. In the event the Court would like additional information, the Claims Administrator is prepared to provide further details at the Court's request.

/s/ Patrick A. Juneau

PATRICK A. JUNEAU

OLD & NEW CLASS CLAIMS ADMINISTRATOR