

**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  
ADMINISTRATORS**

**STATUS REPORT NO.**

**12**

**DATE**

**NOVEMBER 1, 2018**

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

**JOINT STATUS REPORT BY THE HALLIBURTON AND TRANSOCEAN  
SETTLEMENTS’ OLD AND NEW CLASS CLAIMS ADMINISTRATORS  
STATUS REPORT NO. 12 FILED NOVEMBER 1, 2018**

The Old Class 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 Old Class Claims Administrator recently filed the Motion for Approval of Distribution of the Assigned Claims Portion of the Halliburton Energy Services, Inc. and Transocean Ltd. Settlement Agreements (the “Motion”), the Memorandum in Support of Motion for Approval of Distribution of the Assigned Claims Portion of the Halliburton Energy Services, Inc. and Transocean Ltd. Settlement Agreements, and the Proposed Order Approving Motion for

Approval of Distribution of the Assigned Claims Portion of the Halliburton Energy Services, Inc. and Transocean Ltd. Settlement Agreements. Should the Court enter an order approving the Motion, and after the expiration of the appeals period, the Old Class Claims Administrator will direct distribution to commence.

### **New Class**

With the confirmation of Michael J. Juneau's appointment to the United States District Court for the Western District of Louisiana in October 2018, the New Class Settlement Program is awaiting appointment of a successor New Class Claims Administrator. With that said, the Program continues to move forward with processing claims consistently with the Court-Approved Distribution Model and Court-Approved procedures; however, the initially anticipated partial distribution in late 2018 is unlikely to occur on the initial schedule.

At this time the Settlements Program is concentrating its efforts on identifying reserve claims that will not be eligible for the initial distribution, resolving outstanding deficiencies and appeals for Failure to Cure Denial Determinations, reviewing New Class Claims Reconciliation Appeal forms to determine if there are any discrepancies in the data requiring correction prior to distribution, and issuing additional Eligibility Notices.

### **B. Claims Process**

#### **Old Class**

Upon entry of an order approving distribution, a tentative distribution date approximately six weeks thereafter will be set, and, assuming no appeals are filed, the Old Class Claims Administrator will direct distribution to occur as soon as practicable following the expiration of the 30-day appeals period. This information along with all relevant court documents will be posted on the public website for the case.

#### **New Class**

Claim processing over the last quarter concentrated heavily on the Personal Property, Commercial Fishermen, Charterboat, and Subsistence claim categories in an effort to move these claims into a position for distribution while the real property mapping reviews are completed.

An additional 2,503 Deficiency, Denial, and Eligibility Notices, inclusive of appeal determinations, were mailed since the last status report filed with the Court. At this time approximately 1,452 claimants in these categories have a deadline pending or right of review still

active, primarily due to Settlements Program appeals currently under review for Failure to Cure Deficiency Denial Notices and Court review requests related to denied claims, all of which are in various stages of pendency; however, the Settlements Program continues to finalize additional claims each day.

Upon the appointment of a successor New Class Claims Administrator to Judge Juneau, the appointee will be responsible for preparing and filing a motion in support of the initial, partial distribution for the Personal Property, Commercial Fishermen, Charterboat, and Subsistence claim types (the “Partial Distribution”). There will be some claims that must be placed in reserve status at that time, for example, the claims associated with the Menhaden appeals pending with the U.S. Fifth Circuit Court of Appeals in Case No. 18-30243 and any claims still pending determination on a Settlements Program appeal or Court review. These claims will be identified in the filing with the Court.

It is currently anticipated that the Partial Distribution initially planned for late December 2018 will likely be delayed given that the minimum lead time for distribution after Court-approval of a proposed order in favor of distribution is no less than six weeks, inclusive of the 30-day appeals period and assuming no appeal is filed. After a successor New Class Claims Administrator has been appointed, updated details on the anticipated timing of this distribution will be posted to the case website, but all efforts will be made to minimize the impact and proceed as soon as practicable

At this time, 414 determination appeals, inclusive of both appeals for denials and for claims deemed eligible where the claimant disagrees with the valuation, are under review. At this time 259 remain in various stages of review as the Settlements Program conducts follow up with the filers in an effort to cure underlying deficiencies that were not corrected by the deficiency notice deadline for which the claimant filed a timely appeal for a Failure to Cure Deficiency Denial Notice. A total of 118 appeals associated with Failure to Cure Denial Determination Notices included the missing documentation requested by the Settlements Program, but the documentation provided demonstrates these claims do not meet the eligibility criteria set out in the New Class Distribution Model. Prior to Judge Juneau’s confirmation he instructed the Settlements Program that, under these circumstances, the Program shall grant the appeal and remand the claim(s) for substantive denial, which will afford further due process rights to the claimants upon notification of the substantive denial reason(s), and these Appeal Determination Notices are currently in process. An additional 37 appeals are being prepared for the New Class Claims Administrators’ review and determination, once a successor has been appointed.

Chief Magistrate Judge Wilkinson has received 92 Court review requests since the last quarterly report. At this time the Court has 72 requests pending review after issuing 114 total decisions to date.

Additionally, from August 24-31, 2018, the New Class Claims Administrator issued notices to all attorneys of record from the DHEPDS, any counsel listed on a New Class claim form, and all claimants regardless of representation status to advise on the status of any potential New Class claims and to afford the New Class an opportunity to appeal any inaccuracies in the data carried over from the DHEPDS Court Supervised Settlement Program (“CSSP”) and/or to raise any concerns about the status of claims filed with the New Class Claims Administrator by the December 15, 2016, filing deadline. In response to this notice, the Settlements Program received over 4,000 appeal forms; however, the vast majority did not reflect any discrepancies noted by the claimant(s). Of those with a potential discrepancy noted, less than 20 reconciliation appeals remain in process at the time of this status report, and notice of updates will be sent to counsel or the claimant, as appropriate, later this month.

Wetlands Real Property and Coastal Real Property claims remain out for GIS mapping and zone determination at this time, but it is expected that the Settlements Program will begin sending waves of Deficiency Notices and Determination Notices for denied and eligible real property claims in the next six weeks in preparation for distributing the Real Property distribution pool in early 2019.

### **Determinations and Distribution**

The Old Class Claims Administrator will continue with preparations for the initial Old Class distribution tentatively slated for late in the Fall of 2018, assuming that the Court enters an order in favor of distribution and that no appeals are filed that will delay the distribution overall.

The Partial Distribution for the New Class, holding back the pool for Real Property claims and any other claims in process, pending appeal or Court review, or that have been appealed to the U.S. Fifth Circuit Court of Appeals that cannot be determined in time to be included in the Partial Distribution, will take place after a successor New Class Claims Administrator is appointed by the Court and moves with the Court for approval of the Partial Distribution.

Both the Old Class and New Class distributions will be subject to a reserve for DHEPDS claims that are potentially eligible to participate but have not received a final determination from DHEPDS as of the point the distribution motions and memoranda are prepared and submitted to the Court for consideration. Funds will be reserved for future administrative costs for both classes, including potential litigation expenses for the New Class as well.

The final stage of distribution for the New Class for Real Property claims is still anticipated for early 2019.

## **II. CONCLUSION**

The Old Class 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 Old Class Claims Administrator is prepared to provide further details at the Court's request.

/s/ Patrick A. Juneau  
PATRICK A. JUNEAU  
OLD CLASS CLAIMS ADMINISTRATOR