

**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
Mag. Judge Shushan**

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

STATUS REPORT NO.

2

DATE

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MAG. JUDGE SHUSHAN**

**REPORT BY THE NEW CLASS CLAIMS ADMINISTRATOR OF THE
HALLIBURTON AND TRANSOCEAN SETTLEMENTS
STATUS REPORT NO. 2, APRIL 29, 2016**

The New Class Claims Administrator of the HESI Punitive Damages and Assigned Claims Settlement Agreement and the Transocean Punitive Damages and Assigned Claims Settlement Agreement (Settlement Agreements) submits this quarterly report (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 as of April 29, 2016. 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

The New Class Claims Administrator had various discussions with the Parties, Kinsella Media, and Garden City Group, LLC (GCG) related to preparation of the PSC’s Preliminary Approval Motion, Memorandum, and Proposed Order since the last report was filed. The PSC filed the Preliminary Approval Motion, Memorandum, and Proposed Order on April 7, 2016, and the Court entered the Preliminary Approval Order on April 12, 2016.

The New Class Claims Administrator has also continued drafting the Distribution Model

Memorandum that will be provided to the Court for approval and has utilized GCG to analyze data and options for the New Class Claims Administrator's review regarding various aspects of the Settlement Agreements and the combined distribution plan.

B. Notice Program

The Plaintiffs Steering Committee in MDL 2179 (PSC) worked diligently with its vendor, Kinsella Media, along with the New Class Claims Administrator and GCG to design an effective, cost-conscious notice program. Meetings in February yielded circulation of draft documents and finalization of proposed email notice, short-form notice, and long-form notice related to the Settlement Agreements.

To further prepare for the notice campaign, the New Class Claims Administrator enlisted GCG's assistance in preparing ancillary components of the notice program including securing a toll-free telephone number and website domain; drafting call agent scripts and documents associated with these aspects of the campaign, and preparing a draft version of the website. All necessary components of the notice program are being staged currently and will be ready for timely implementation in accordance with the Notice Plan as approved by the Court.

The New Class Claims Administrator also worked directly with the PSC to request a copy of the Short Form Joinder database from the Database Administrator appointed by the Court, Epiq Systems, Inc. (Epiq). This data was provided to the PSC by Epiq on April 20, 2016, and was provided to GCG for use in preparing the initial mailing list.

Additionally, the New Class Claims Administrator conferred with counsel for BP to request access to the DHEPDS Opt Out database in order to provide notice to all DHEPDS Opt Out parties.

Kinsella Media, the PSC, and the Parties have agreed to a June 15, 2016, initial mailing and emailing date with a proposed media notice schedule that will run through the opt out and objection deadlines, September 23, 2016. GCG has confirmed this schedule will allow adequate

time for delivery of mailed notices, remail of returned mailed notices with new addresses, and mailing of notices to individuals and entities unable to be reached by email. This initial mail date also grants sufficient time to compile statistics regarding these aspects of the Notice Plan to report back to the Court in advance of the Fairness Hearing.

C. Distribution Model

The New Class Claims Administrator continues to evaluate potential approaches for distribution of the New Class portion of the Settlement Funds that will yield a reasonable, justifiable, efficient, and cost-effective plan. The Distribution Model Memorandum will be filed in accordance with the deadline of June 15, 2016, established by the Court's Preliminary Approval Order.

As part of the process for creating the Distribution Model, the proposed Claim Form has been under development as well. The goal is to provide a plain language document that will assist individuals and entities in determining (1) if they are a New Class member; (2) whether they need to file a new claim or will have their claims reviewed automatically based on prior filings; and (3) should they need to file a new claim, which claim categories they may be eligible to participate in under the terms of the Settlement Agreements.

The New Class Claims Administrator is developing a plan that will utilize existing DHEPDS data and various third-party databases to minimize production of documents by claimants, which will also reduce processing costs to be borne by the New Class overall. As part of this plan the New Class Claims Administrator filed a proposed Order with the Court allowing access to various data sets currently in the possession of the DHEPDS Court Supervised Settlement Program (CSSP). Furthermore, this Order also will allow the HESI/Transocean Settlement Program to provide the CSSP with updated information on Old Class members that may be garnered through the implementation of the HESI and Transocean Settlement Agreements. The Court entered this Order on April 19, 2016 [Rec. Doc. 16271]. It is anticipated additional requests for third-party data will be necessary to achieve a reliable set of claimant data upon which to base determinations,

most specifically with regard to commercial fishing claims. This is of particular importance to the HESI/Transocean Settlement Program given much of the needed documentation is now six to seven years old and may not be readily available to excluded parties that could not file a DHEPDS claim.

II. CONCLUSION

The New Class Claims Administrator respectfully submits this second Status Report so that the Court may be fully apprised of the status of the implementation of the Settlement Agreements. Should the Court determine that additional information would be useful the New Class Claims Administrator is prepared to provide further details at the Court's request.

/s/ Michael J. Juneau
MICHAEL J. JUNEAU
NEW CLASS
CLAIMS ADMINISTRATOR