



**DEEPWATER HORIZON  
CLAIMS CENTER**  
ECONOMIC & PROPERTY DAMAGE CLAIMS

**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 NO. 2179**

**SECTION J**

**Applies to: *All Cases***

**JUDGE BARBIER  
MAGISTRATE JUDGE SHUSHAN**

**REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER  
HORIZON ECONOMIC AND PROPERTY DAMAGES SETTLEMENT  
AGREEMENT ON THE STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO.**

**10**

**DATE**

**June 11, 2013**



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**REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER HORIZON  
ECONOMIC AND PROPERTY DAMAGES SETTLEMENT AGREEMENT ON THE  
STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO. 10, DATED JUNE 11, 2013**

The Claims Administrator of the Deepwater Horizon Economic and Property Settlement Agreement (the “Settlement Agreement”) submits this Report to inform the Court of the current status of the implementation of the Settlement Agreement. The Claims Administrator will provide any other information in addition to this Report as requested by the Court.

**I. STATUS OF THE CLAIMS REVIEW PROCESSES AND CLAIM PAYMENTS**

**A. Claim Submissions.**

**1. Registration and Claim Forms.**

The Claims Administrator opened the Settlement Program with needed functions staffed and operating on June 4, 2012, just over 30 days after the Claims Administrator’s appointment. We have received 155,707 Registration Forms and 175,049 Claim Forms since the Program opened, as shown in the Public Statistics for the Deepwater Horizon Economic and Property Damages Settlement (“Public Report”) attached as Appendix A. Claimants have begun but not fully completed and submitted 12,059 Claim Forms. The Forms are available online, in hard copy, or at Claimant Assistance Centers located throughout the Gulf. Of the total Claim Forms submitted, 13% of claimants filed in the Seafood Program, 20% filed Individual Economic Loss



(IEL) Claims, and 33% filed Business Economic Loss (BEL) Claims (including Start-up and Failed BEL Claims). *See* App. A, Table 2. DWH staff at the Claimant Assistance Centers assisted in starting and/or completing 31,345 of these Claim Forms. *See* App. A, Table 3. The nineteen Claimant Assistance Centers also provide other forms, including Personal Representative Forms, Subsistence Interview Forms and Sworn Written Statements and Authorizations.

## 2. Minors, Incompetents and Deceased Claimants.

The table below describes the claims filed on behalf of minors, incompetents and deceased claimants in the Settlement Program.

<b>Table 1. Minors, Incompetents and Deceased Claimants</b>							
		<b>Minor Claimants</b>		<b>Incompetent Claimants</b>		<b>Deceased Claimants</b>	
		<b>Total</b>	<b>Change Since Last Report</b>	<b>Total</b>	<b>Change Since Last Report</b>	<b>Total</b>	<b>Change Since Last Report</b>
<b>1.</b>	<b>Claims Filed</b>	47	+2	69	+8	241	+17
<b>2.</b>	<b>Referred to GADL</b>	10	-20	5	-11	N/A	N/A
<b>3.</b>	<b>Eligible for Payment</b>	9	+3	32	+6	100	+7
<b>4.</b>	<b>Approval Orders Filed</b>	5	+2	22	+1	80	+7

## 3. Third Party Claims.

Court Approved Procedure Order No. 1 (as entered September 9, 2012, and amended March 11, 2013) (“CAP”) defines the process by which the Claims Administrator will receive, process and pay the claims and/or liens asserted by attorneys, creditors, governmental agencies, or other third parties against the payments to be made by the Claims Administrator to eligible claimants under the Settlement Agreement (“Third Party Claims”) and the procedure to resolve disputes between a claimant and a Third Party Claimant over a Third Party Claim.



We require a Third Party Claimant to send us enforcement documentation soon after the initial Third Party Claim assertion, and we notify the claimant about an Enforced Third Party Claim against a potential Settlement Payment as soon as we receive sufficient documentation, regardless of where the underlying Settlement Program Claim is in the review process. The claimant may, but does not have to, object to the Third Party Claim at this time. After we send an Eligibility Notice to the affected Settlement Program Claimant against whom an Enforced Lien has been asserted, we send the claimant/claimant's attorney and the Third Party Claimant a Notice of Valid Third Party Claim and provide the claimant 20 days to notify us of any objection to the Third Party Claim. Any disputes over Third Party Claims must be resolved by agreement of the parties or through a dispute resolution process.

On April 15, 2013, the Court approved the Rules Governing the Third Party Claims Dispute Resolution Process as to Attorney Fee Liens. We are coordinating with the Attorney Liens Adjudicator on administrative issues and information exchange for the Third Party Claims Dispute Resolution Process as to Attorney Fee Liens.

We continue to process and pay Third Party Claims as reflected in Table 2 below.

**Table 2. Third Party Claims**

	Type of Third Party Claim ("TPC")	TPCs Asserted	TPCs Asserted Against Claimants With a DHCC ID	TPCs <sup>1</sup> Asserted Against Payable Claims	Valid TPCs Asserted Against Payable Claims	TPCs Paid/Ready for Payment (TPC <sub>lmt</sub> )	Claims with TPCs Paid/Ready for Payment (Cl <sub>mt</sub> )
1.	Attorney's Fees	2,378	1,915	345	180	103	374
2.	IRS Levies	470	440	42	43	35	52
3.	Individual Domestic Support Obligations	259	148	77	61	54	63
4.	Blanket State-Asserted Multiple Domestic Support Obligations	4 states	N/A	N/A	N/A	0	0
5.	3rd Party Lien/Writ of Garnishment	593	260	14	7	3	5
6.	Claims Preparation/Accounting	833	645	32	10	3	9
7.	<b>TOTAL</b>	<b>4,533</b>	<b>3,408</b>	<b>510</b>	<b>301</b>	<b>198</b>	<b>503<sup>2</sup></b>

To date, we have removed 1,345 lien holds due to parties releasing their claims or resolving disputes.<sup>3</sup>

### **B. Claims Review.**

We completed our first reviews and issued our first outcome notices on July 15, 2012, and Payments on July 31, 2012. There are many steps involved in reviewing a claim so that it is ready for a notice.

#### **1. Identity Verification.**

The Tax Identity Number (TIN) Verification review is the first step in the DWH claims review process. The table below contains information on the total number of claimants reviewed

<sup>1</sup> The streamlined enforcement requirements allow us to assess validity earlier in the process, although we will not know if a Valid TPC is asserted against a payable claim until the Eligibility Notice goes out.

<sup>2</sup> If the TPC amount is in dispute, we pay the Claimant the undisputed portion of his/her/its Settlement Payment. A TPC can be asserted against one or more Settlement Program Claims.

<sup>3</sup> This number may fluctuate due to reassertions of disallowed liens.



in the Program, the outcome of those reviews, and the percentage of claimants that receive Verification Notices after review.

<b>Table 3. Identity Verification Review Activity.</b>					
	<b>Outcome</b>	<b>Claimants Reviewed Since Last Report</b>	<b>Monthly Percentage</b>	<b>Total Claimants Reviewed</b>	<b>Total Percentage</b>
<b>1.</b>	<b>Verified During Review</b>	2,711	74.4%	44,109	78.2%
<b>2.</b>	<b>SSN Notice Issued</b>	31	.9%	2,338	4.1%
<b>3.</b>	<b>ITIN Notice Issued</b>	7	.2%	405	.7%
<b>4.</b>	<b>EIN Notice Issued</b>	894	24.5%	9,577	17%
<b>5.</b>	<b>Total Reviewed</b>	3,643	100%	56,429	100%

The table below contains information on the number of TIN Verification Notices issued, how many have been cured after the claimant responded to the Notice, and the average time to cure in days.

<b>Table 4. Identity Incompleteness Activity.</b>					
	<b>Notice Type</b>	<b>Notices Issued</b>	<b>Number Cured</b>	<b>Percentage Cured</b>	<b>Average Time to Cure in Days</b>
<b>1.</b>	<b>SSN Notice</b>	2,338	1,901	81.3%	148
<b>2.</b>	<b>ITIN Notice</b>	405	338	83.5%	180
<b>3.</b>	<b>EIN Notice</b>	9,577	8,322	86.9%	85
<b>4.</b>	<b>Total Issued</b>	12,320	10,561	85.8%	137

## **2. Employer Verification Review (“EVR”).**

The EVR process ensures that all employees of the same business are treated uniformly and that each business is placed in the proper Zone. The review also walks through the intricate analysis necessary to assign the right NAICS code to a business. The EVR team has completed the EVR analysis for over 163,000 businesses and rental properties.



From May 11, 2013, through June 10, 2013, the team completed the EVR step for 11,505 businesses and properties. We identified an average of 354 new businesses and properties to review each day and completed the EVR review for an average of 371 businesses and properties each day. We continue to review new businesses and rental properties on a first-in, first-out basis.

### 3. Exclusions.

The Exclusions review process ensures that claims and claimants excluded under the Settlement Agreement are appropriately denied. The Exclusions team guides the reviewers and the EVR team when questions arise during the exclusion determination. Table 5 below shows the number of Denial Notices issued to date for each Exclusion Reason and the team responsible:

Table 5. Exclusions				
	Exclusion Reason	Team Responsible	Denial Notices Since Last Report	Total Denial Notices
1.	GCCF Release	Exclusions	197	6,361
2.	BP/MDL 2179 Defendant		12	210
3.	US District Court for Eastern District of LA		0	22
4.	Not a Member of the Economic Class	Claims Reviewers	23	177
5.	Bodily Injury		1	3
6.	BP Shareholder		1	7
7.	Transocean/Halliburton Claim	Claims Reviewers/ EVR	0	0
8.	Governmental Entity		38	649
9.	Oil and Gas Industry		79	432
10.	BP-Branded Fuel Entity	EVR	2	29
11.	Menhaden Claim		2	12
12.	Financial Institution		22	182
13.	Gaming Industry		44	593
14.	Insurance Industry		22	138
15.	Defense Contractor		38	285
16.	Real Estate Developer		1	40
17.	Trust, Fund, Financial Vehicle		0	12



Table 5. Exclusions				
	Exclusion Reason	Team Responsible	Denial Notices Since Last Report	Total Denial Notices
18.	Total Denial Notices from Exclusions		482	9,152

#### 4. Claimant Accounting Support Reviews.

A special team handles Claimant Accounting Support (“CAS”) reviews. CAS reimbursement is available under the Settlement Agreement for IEL, BEL, and Seafood claims. After a claim is returned from the Accountants or BrownGreer’s reviewers as payable and the Compensation Amount is known, the CAS team reviews accounting invoices and CAS Sworn Written Statements. Table 6 includes information on the number of CAS reviews we have completed to date, whether the Accounting Support documentation was complete or incomplete, and the amounts reimbursed.

Table 6. Claimant Accounting Support Reviews									
	Claim Type	CAS Review Result				Total CAS Reviews		CAS \$ Amount Reimbursed	
		Complete		Incomplete					
		Since Last Report	Total to Date	Since Last Report	Total to Date	Since Last Report	Total to Date	Since Last Report	Total to Date
1.	BEL	524	6551	61	651	585	7202	\$803,317.85	\$9,034,210.67
2.	IEL	100	904	14	182	114	1086	\$17,600.97	\$69,498.89
3.	Seafood	117	3299	31	512	148	3811	\$49,254.91	\$1,186,465.27
4.	TOTAL	741	10,754	106	1,345	847	12,099	\$870,173.73	\$10,290,174.83

#### 5. QA Review.

The Quality Assurance (“QA”) process addresses three fundamental needs of the Settlement Program, which are to: (a) ensure that all claims are reviewed in accordance with the policies of the Settlement Agreement by targeting anomalous claims results through data metrics





analysis; (b) provide a mechanism to monitor reviewer performance and the necessary tools to efficiently and effectively provide feedback to reviewers; and (c) identify areas of review resulting in high error rates that require retraining or refined review procedures and data validations.

We have implemented a reviewer follow-up process for all claim types. We provide daily follow-up to reviewers whose claims resulted in different results after a QA review the day before. We also have a report that identifies specific reviewers who require re-training, and reveals whether there are issues that warrant refresher training for all reviewers. Table 7 shows, by Claim Type, the number of claims identified for QA review through the database QA process, as well as how many QA reviews have been completed, how many are in progress, and how many are awaiting review.

<b>Table 7. Quality Assurance Reviews</b>							
	<b>Claim Type</b>	<b>Total Claims Needing QA To Date</b>	<b>QA Reviews Completed</b>	<b>% Completed</b>	<b>QA Reviews in Progress</b>	<b>Claims Awaiting QA</b>	<b>QA Reviews Completed Since Last Report</b>
1.	<b>Seafood</b>	21,016	20,124	96%	826	66	2,570
2.	<b>IEL</b>	17,864	12,128	68%	787	4,949	2,557
3.	<b>BEL</b>	10,625	9,736	92%	370	519	2,958
4.	<b>Start-Up BEL</b>	971	892	92%	34	45	268
5.	<b>Failed BEL</b>	1,397	1,331	95%	30	36	130
6.	<b>Coastal Real Property</b>	16,052	15,920	99%	83	49	1,416
7.	<b>Real Property Sales</b>	671	663	99%	0	8	41
8.	<b>VoO Charter</b>	7,341	7,328	100%	7	6	101
9.	<b>Subsistence</b>	13,542	3,026	22%	145	10,371	704
10.	<b>Wetlands</b>	2,547	2,362	93%	59	126	305
11.	<b>Vessel Physical Damage</b>	688	594	86%	18	76	281

**Table 7. Quality Assurance Reviews**

	Claim Type	Total Claims Needing QA To Date	QA Reviews Completed	% Completed	QA Reviews in Progress	Claims Awaiting QA	QA Reviews Completed Since Last Report
12.	TOTAL	92,714	74,104	80%	2,359	16,251	11,331

**6. Claim Type Review Details.**

Table 8 provides information on the number of claims filed, how many claims have been reviewed to Notice, the claims remaining to review, and how many claims were reviewed to either a Notice or “Later Notice” to date, by claim type. Table 8 splits the claims reviewed to a “Later Notice” into separate sections distinguishing claims receiving Notices after we conduct a Reconsideration review from claims reviewed for additional materials submitted by a claimant in response to an Incompleteness Notice.

**Table 8. Throughput Analysis of Claims Filed and Notices Issued**

<b>A. Claims Reviewed to First Notice</b>										
	Claim Type	Status of All Claims Filed					Productivity Since Last Report on 5/11/13			
		Total Claims Filed To Date	Reviews Completed to Notice		Claims Remaining to Review		New Claims Filed	Avg Daily Claims Filed	Reviews Completed to First Notice	Avg Daily Reviews to First Notice
1.	Seafood	23,936	21,336	89%	2,600	11%	74	2	1,338	43
2.	IEL	30,755	25,987	84%	4,768	16%	809	26	2,130	69
3.	IPV/FV	239	219	92%	20	8%	7	<1	7	<1
4.	BEL	51,089	26,581	52%	24,508	48%	4,665	150	4,686	151
5.	Start-Up BEL	3,438	2,314	67%	1,124	33%	212	7	328	11
6.	Failed BEL	2,591	1,987	77%	604	23%	72	2	210	7
7.	Coastal RP	25,361	23,923	94%	1,438	6%	1,520	49	1,892	61
8.	Wetlands RP	5,716	3,228	56%	2,488	44%	482	16	373	12
9.	RPS	1,202	1,063	88%	139	12%	60	2	112	4
10.	Subsistence	21,208	4,040	19%	17,168	81%	2,261	73	1,435	46
11.	VoO	8,358	8,204	98%	154	2%	66	2	93	3
12.	Vessel	1,156	1,021	88%	135	12%	63	2	161	5
13.	TOTAL	175,049	119,903	68%	55,146	32%	10,291	332	12,765	412
<b>B. Claims Reviewed to Later Notice</b>										

**Table 8. Throughput Analysis of Claims Filed and Notices Issued**

	Claim Type	Initial or Preliminary Incompleteness Response			Follow-Up Incompleteness Responses			Requests for Reconsideration		
		Total Responses	Claims with Later Notice	Remaining Claims	Total Responses	Claims with Later Notice	Remaining Claims <sup>2</sup>	Total Requests	Claims with Later Notice	Remaining Claims <sup>2</sup>
1.	Seafood	5,093	3,309	1,784	1,507	675	832	1,663	714	949
2.	IEL	12,301	7,877	4,424	3,572	1588	1,984	1,765	616	1,149
3.	IPV/FV	78	71	7	28	14	14	24	5	19
4.	BEL	13,486	7,587	5,899	4,105	2174	1,931	2,043	736	1,307
5.	Start-Up BEL	1,199	810	389	562	277	285	209	46	163
6.	Failed BEL	626	414	212	314	179	135	270	118	152
7.	Coastal RP	3,826	3,434	392	950	774	176	1,038	766	272
8.	Wetlands RP	209	144	65	32	19	13	306	117	189
9.	RPS	182	174	8	46	38	8	128	95	33
10.	Subsistence	1,136	171	965	71	4	67	46	6	40
11.	VoO	847	826	21	341	325	16	569	408	161
12.	Vessel	570	505	65	203	171	32	97	51	46
13.	TOTAL	39,553	25,322	14,231	11,731	6,238	5,493	8,158	3,678	4,480

### **C. Claim Payments.**

#### **1. Notices and Payments.**

We issued our first payments to claimants on July 31, 2012. Tables 4 and 5 of the Public Report attached at Appendix A provide detail on the notices and payments issued to date. As of June 10, 2013, we have issued 44,236 Eligibility Notices with Payment Offers totaling over \$3.5 billion. As of that date, we also have made over \$2.44 billion in payments on 35,391 claims.

#### **2. Claimants in Bankruptcy.**

Since the Claims Administrator approved the procedures for making Settlement Payments to claimants in bankruptcy on February 20, 2013, we have issued Bankruptcy Notices to approximately 215 claimants with active claims who identified an open bankruptcy case on their Registration Forms. We continue to review these claim files to determine whether the claimants have submitted the documents necessary to remove the bankruptcy hold so the claims



can be paid. For claimants who have not submitted all of the requested documentation, we continue to reach out to those claimants to let them know what needs to be submitted so they can receive payment on their claims.

#### **D. Re-Reviews, Reconsiderations and Appeals.**

##### **1. Re-Review Reviews and Outcomes.**

The Claims Administrator implemented a Re-Review process beginning on January 18, 2013, that provides claimants with the opportunity to request a Re-Review of their claim within 30 days after an Eligibility or Denial Notice if they have additional documents not previously submitted to support their claim. This Re-Review leads to a Post Re-Review Notice, from which claimants may then request Reconsideration if they wish. To date, there have been 36,332 Eligibility and Denial Notices issued from which claimants can seek Re-Review. Of those, 4,167 are still within the 30 day window to seek Re-Review and have not yet done so, leaving 32,165 that have passed the window for seeking Re-Review. Of those, claimants have asked for Re-Review of 1,734 claims. Thus, the rate of Re-Review from all final determinations is 5.4%. The rate of Re-Review from Eligibility Notices is 4% and the rate of Re-Review from Denial Notices is 9%.

Table 9 summarizes the Re-Reviews Reviews we have completed, the number of Post-Re-Review Notices we have issued, and whether the outcome of the Re-Review review resulted in an award that was higher (↑), lower (↓), or the same (↔). The table also includes information showing whether an original Exclusion Denial was confirmed or overturned on Re-Review. The number of Notices issued is fewer than the reviews completed because there is a 36 hour lag time between when the review is completed and when the Notice is issued.

**Table 9. Re-Reviews****A. Re-Review Requests and Reviews**

	Claim Type	Requests Received To Date	Reviews Completed To Date		
			Total	Completed Since Last Report	Average Weekly Reviews
1.	Seafood	414	180	69	7
2.	IEL	165	33	18	1
3.	IPV/FV	8	0	0	0
4.	BEL	515	141	11	6
5.	Start-Up BEL	22	5	0	0
6.	Failed BEL	55	39	5	2
7.	Coastal	309	256	74	10
8.	Wetlands	149	122	9	6
9.	Real Property Sales	16	14	4	1
10.	Subsistence	32	1	1	0
11.	VoO	37	36	2	1
12.	Vessel	12	10	9	1
13.	TOTAL	1,734	837	202	35

**Table 9. Re-Reviews****B. Re-Review Notices Issued**

	Claim Type	Notices Issued		Outcome of Review				
		Total Issued to Date	Weekly Average	Compensation Amount for Eligible Claims			Exclusion/Denials	
				↑	↓	↔	Confirmed	Overtaken
1.	Seafood	179	7	103	5	65	5	1
2.	IEL	8	0	1	0	0	7	0
3.	IPV/FV	7	0	0	0	0	7	0
4.	BEL	269	11	81	15	46	122	9
5.	Start-Up BEL	8	0	5	1	1	1	0
6.	Failed BEL	30	1	0	0	0	30	0
7.	Coastal	142	6	26	3	25	89	1
8.	Wetlands	22	1	2	0	0	21	1
9.	Real Property Sales	9	0	0	1	1	7	0
10.	Subsistence	1	0	1	0	0	0	0
11.	VoO	31	1	7	4	13	9	2
12.	Vessel	9	1	6	0	1	2	0
13.	TOTAL	715	28	232	29	152	300	14



## 2. Reconsideration Reviews and Outcomes.

To date, there have been 76,681 Eligibility, Denial and Incompleteness Denial Notices issued from which claimants can seek Reconsideration. Of those, 7,621 are still within the 30 day window to seek Reconsideration and have not yet done so, leaving 69,060 that have passed the window for seeking Reconsideration. Of those, claimants have asked for Reconsideration of 8,800 claims. Thus, the rate of Reconsideration from all final determinations is 12.7%. The rate of Reconsideration from Eligibility Notices is 7% and the rate of Reconsideration from Denial and Incompleteness Denial Notices is 22%.

Table 10 summarizes the Reconsideration Reviews we have completed, the number of Post-Reconsideration Notices we have issued, and whether the outcome of the Reconsideration review resulted in an award that was higher (↑), lower (↓), or the same (↔). The table also includes information showing whether an original Exclusion Denial was confirmed or overturned on Reconsideration. The number of Notices issued is fewer than the reviews completed because there is a 36 hour lag time between when the review is completed and when the Notice is issued.

Table 10. Reconsideration					
B. Reconsideration Requests and Reviews					
	Claim Type	Requests Received To Date	Reviews Completed To Date		
			Total	Completed Since Last Report	Average Weekly Reviews
1.	Seafood	1,647	996	150	71
2.	IEL	2,134	1115	101	80
3.	IPV/FV	30	7	3	1
4.	BEL	2,192	1623	286	116
5.	Start-Up BEL	222	171	32	12
6.	Failed BEL	286	225	29	16
7.	Coastal	1,094	974	185	70
8.	Wetlands	307	275	13	20

**Table 10. Reconsideration****B. Reconsideration Requests and Reviews**

	Claim Type	Requests Received To Date	Reviews Completed To Date		
			Total	Completed Since Last Report	Average Weekly Reviews
9.	Real Property Sales	135	122	5	9
10.	Subsistence	79	28	18	2
11.	VoO	578	567	60	41
12.	Vessel	96	86	23	6
13.	<b>TOTAL</b>	<b>8,800</b>	<b>6,189</b>	<b>905</b>	<b>444</b>

**B. Reconsideration Notices Issued**

	Claim Type	Notices Issued		Outcome of Review				
		Total Issued to Date	Weekly Average	Compensation Amount for Eligible Claims			Exclusion/Denials	
				↑	↓	↔	Confirmed	Overturned
1.	Seafood	731	16	378	50	186	115	4
2.	IEL	753	17	107	7	32	604	3
3.	IPV/FV	7	0	0	0	0	7	0
4.	BEL	800	18	260	21	123	370	27
5.	Start-Up BEL	48	1	9	0	10	28	1
6.	Failed BEL	120	3	0	0	0	120	0
7.	Coastal	740	17	69	12	277	369	13
8.	Wetlands	122	3	12	1	20	87	2
9.	Real Property Sales	97	2	0	0	2	93	2
10.	Subsistence	5	0	0	0	0	5	0
11.	VoO	515	12	59	3	116	295	42
12.	Vessel	60	1	34	2	7	17	0
13.	<b>TOTAL</b>	<b>3,998</b>	<b>90</b>	<b>928</b>	<b>96</b>	<b>773</b>	<b>2,110</b>	<b>94</b>

**3. Appeals.****(a) BP Appeals.**

To date, we have issued 14,004 Eligibility Notices that meet or exceed the threshold amounts rendering them eligible for BP to appeal. Of those, 252 are still within the time for BP to appeal, leaving 13,752 that have passed the window for BP to consider whether to appeal. Of



those 13,752, BP has appealed 1,699, or only 12.4%. However, out of the 1,699 claims BP has appealed, they have subsequently withdrawn 152 appeals, and another 355 have been resolved for the same or greater amount of the Eligibility Notice. Thus, out of the 1,699 claims BP has appealed, 507 have either been withdrawn or resolved, confirming that the outcome of the review was correct. If we remove those 507 from the 1,699 BP has appealed to arrive at a more realistic “rate of disagreement” BP has with our results, that leaves 1,192 claims out of 13,752, or a 8.7% rate of disagreement.

Table 11 provides summary information on the status of BP’s appeals.

<b>Table 11. Status of BP Appeals</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of 5/13/13</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>BP Appeals Filed</b>	<b>1,377</b>	<b>322</b>	<b>1,699</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>575</b>	<b>357</b>	<b>932</b>
(a)	<b>Withdrawn</b>	142	10	152
(b)	<b>Panel Decided</b>	157	288	445
(c)	<b>Settled by Parties</b>	210	50	260
(d)	<b>Remanded by Panel</b>	19	16	35
(e)	<b>Administratively Closed</b>	7	0	7
(f)	<b>Closed for Reconsideration Review</b>	40	-7	33
<b>B. Pending Appeals</b>				
<b>3.</b>	<b>In Pre-Panel Baseball Process</b>	531		
<b>4.</b>	<b>Currently Before Panel</b>	236		
<b>5.</b>	<b>TOTAL PENDING</b>	<b>767</b>		

**(b) Claimant Appeals.**

Before a claimant may appeal, he must seek Reconsideration and receive a Post-Reconsideration Notice. To date, we have issued 3,998 Post-Reconsideration Notices. Of those, 836 are still within the time for the claimant to appeal, leaving 3,162 that have passed the window for the claimant to consider whether to appeal. Of those 3,162, claimants have appealed





489, or 15.5%. Of the 489 Claimant Appeals, 301 are appeals of Post-Reconsideration Denial Notices and 188 are appeals of Post-Reconsideration Eligibility Notices.

Table 12 provides summary information on the status of Claimant Appeals:

<b>Table 12. Status of Claimant Appeals</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of 5/13/13</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Claimant Appeals Filed</b>	<b>431</b>	<b>58</b>	<b>489</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>198</b>	<b>94</b>	<b>292</b>
<b>(a)</b>	Panel Decided	150	85	235
<b>(b)</b>	Settled by Parties	24	3	27
<b>(c)</b>	Remanded by Panel	1	5	6
<b>(d)</b>	Administratively Closed	4	0	4
<b>(e)</b>	Withdrawn	19	1	20
<b>B. Pending Appeals</b>				
<b>3.</b>	<b>In Pre-Panel Baseball Process</b>	54		
<b>4.</b>	<b>In Pre-Panel Non-Baseball Process</b>	75		
<b>5.</b>	<b>Currently Before Panel</b>	68		
<b>6.</b>	<b>TOTAL PENDING</b>	<b>197</b>		

As reported in the tables above, 1,224 Claimant and BP Appeals have been resolved.

Table 13 provides a summary of these resolved appeals, by Claim Type.

		Table 13. Outcome After Appeal									
Claim Type		Appeals Settled or Decided by Panel						Withdrawn	Admin. Closed	Closed Because Claimant Asked For Recon.	Total
		Award Amount after Appeal, Compared to Original Notice									
		Higher	Lower	Same	Denial Upheld	Denial Over-turned	Remand				
1.	Seafood	14	85	12	7	1	3	39	3	7	171
2.	BEL	303	230	21	57	14	27	99	5	24	780
3.	Wetlands Real Property	0	1	2	3	0	0	2	0	1	9



		Table 13. Outcome After Appeal									
Claim Type		Appeals Settled or Decided by Panel						Withdrawn	Admin. Closed	Closed Because Claimant Asked For Recon.	Total
		Award Amount after Appeal, Compared to Original Notice									
		Higher	Lower	Same	Denial Upheld	Denial Over-turned	Remand				
4.	Coastal Real Property	0	4	6	7	0	2	4	0	0	23
5.	Real Property Sales	1	2	2	14	0	0	2	1	0	22
6.	VoO Charter Payment	19	33	15	25	19	5	18	2	0	136
7.	IEL	5	11	4	25	2	1	4	0	1	53
8.	VPD	11	11	0	1	0	3	4	0	0	30
9.	Total	353	377	62	139	36	41	172	11	33	1,224

## II. CLAIMANT OUTREACH EFFORTS

We have continued our Claimant Outreach efforts since the previous Court Status Report:

### A. Law Firm Contacts.

The Law Firm Contacts team continued to increase their outreach efforts related to Identity Verification Incompleteness Notices and incomplete payment documentation, in addition to continued outreach efforts across several damage categories related to incompleteness reasons. Firm Contacts also conducted outreach to firms with claimants with incomplete claim forms. Firm Contacts continued to facilitate conference calls held in collaboration with the accountants to efficiently address documentation requirements and resolve outstanding Program questions.



### **B. Communications Center (CCC).**

The CCC continues to enhance Claimant Outreach efforts by working directly with each damage category. Continued outreach campaigns included calls to claimants who emailed the Program with questions or status inquiries, incomplete claims, Identity Verification issues, and to claimants with incomplete payment documentation. The CCC continuously seeks self-improvement through structured and informal Agent feedback, as well as internal assessment of staff distribution during peak call times.

### **C. Claimant Assistance Centers (CACs).**

The Claimant Outreach Program (COP) continues at the CACs. To date, the COP has completed over 42,500 outreach calls to claimants. The CACs continued outreach efforts to claimants with incomplete claims across all damage categories. In addition to these outreach efforts, the team called claimants who started claim forms on the Portal but have not yet submitted them.

### **D. Summary of Outreach Calls.**

The table below summarizes some of the Claimant Outreach Program efforts:

<b>Table 14. Outreach Call Volume</b> (As of 5/10/13)							
<b>Row</b>	<b>Location</b>	<b>Calls Made</b>	<b>Incomplete Claims Affected</b>	<b>Claims With New Docs After Call</b>	<b>% of Claims With New Docs After Call</b>	<b>Claimants Visiting CAC After Call</b>	<b>% of Claimants Visiting CAC</b>
<b>1.</b>	BrownGreer	42,506	16,221	12,142	75%	6,068	37%
<b>2.</b>	Garden City Group	39,485	6,257	4,354	70%	408	7%
<b>3.</b>	P&N	10,967	3,115	2,404	77%	91	3%
<b>4.</b>	PWC	738	298	264	89%	9	3%
<b>5.</b>	<b>Total</b>	<b>93,696</b>	<b>25,891</b>	<b>19,164</b>	<b>74%</b>	<b>6,576</b>	<b>25%</b>



### **III. CONCLUSION**

We offer this Report to ensure that the Court is informed of the status of the Program to date. If the Court would find additional information helpful, we stand ready to provide it at the Court's convenience.

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



**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing pleading has been served on All Counsel by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 12, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/EDF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 11<sup>th</sup> day of June, 2013.

/s/ Patrick A. Juneau  
Claims Administrator

Claims Administrator Patrick Juneau has announced that the Settlement Program began issuing payments on July 31, 2012, and has been issuing outcome Notices since July 15, 2012. The Program will issue Notices on a rolling basis as we complete reviews, and they will include Eligibility Notices, Incompleteness Notices, and Denial Notices. Each Notice will provide information explaining the outcome. We will post Notices on the secure DWH Portal for any law firm or unrepresented claimant who uses the DWH Portal. We will notify firms and unrepresented claimants by email at the end of each day if we have posted a Notice that day. Firms and unrepresented claimants may then log onto the DWH Portal to see a copy of the Notice(s). Law Firms or claimants who do not use the DWH Portal will receive Notices in the mail. Claimants who receive an Eligibility Notice and qualify for a payment will receive that payment after all appeal periods have passed, if applicable, and the claimant has submitted all necessary paperwork, including a fully executed Release and Covenant Not to Sue.

Table 1	Filings by State of Residence								
	State	Registration Forms				Claims			
		Form Begun	Form Submitted	Total	%	Form Begun	Form Submitted	Total	%
1.	Alabama	848	29,114	29,962	18%	1,643	33,049	34,692	19%
2.	Florida	2,049	53,456	55,505	34%	5,105	54,189	59,294	32%
3.	Louisiana	1,657	36,872	38,529	24%	2,579	47,220	49,799	27%
4.	Mississippi	564	19,059	19,623	12%	916	20,621	21,537	12%
5.	Texas	252	8,505	8,757	5%	756	7,438	8,194	4%
6.	Other	992	8,701	9,693	6%	1,060	12,532	13,592	7%
7.	<b>Total</b>	<b>6,362</b>	<b>155,707</b>	<b>162,069</b>	<b>100%</b>	<b>12,059</b>	<b>175,049</b>	<b>187,108</b>	<b>100%</b>

Chart 1: Filings by State of Residence

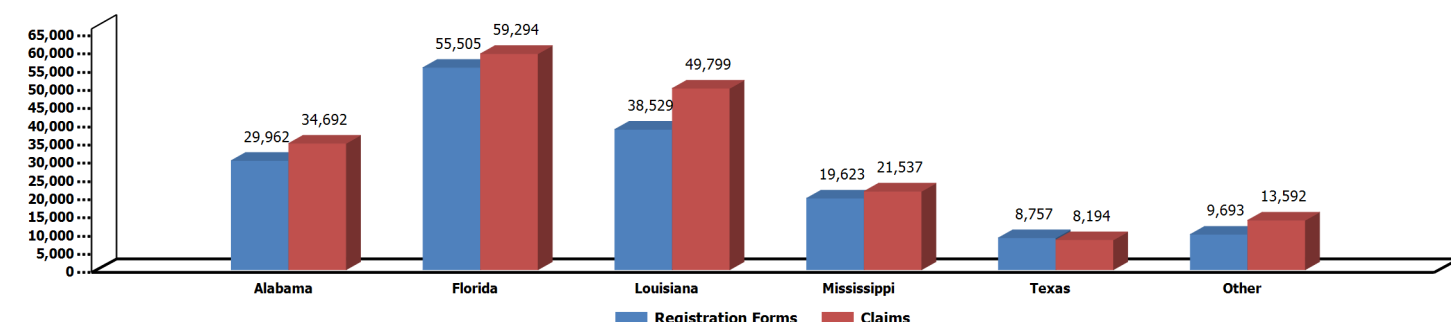


Table 2	Number of Claims by Claim Type					
	Claim Type	Claims				Unique Claimants with Form Submitted
		Form Begun	Form Submitted	Total	%	
1.	Seafood Compensation Program	435	23,936	24,371	13%	10,278
2.	Individual Economic Loss	6,244	30,755	36,999	20%	30,713
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	144	239	383	<1%	239
4.	Business Economic Loss	2,622	51,089	53,711	29%	44,758
5.	Start-Up Business Economic Loss	257	3,438	3,695	2%	3,104
6.	Failed Business Economic Loss	246	2,591	2,837	2%	2,432
7.	Coastal Real Property	851	25,361	26,212	14%	17,852
8.	Wetlands Real Property	181	5,716	5,897	3%	1,840
9.	Real Property Sales	189	1,202	1,391	1%	970
10.	Subsistence	726	21,208	21,934	12%	21,208
11.	VoO Charter Payment	98	8,358	8,456	5%	5,957
12.	Vessel Physical Damage	66	1,156	1,222	1%	1,014
13.	<b>Total</b>	<b>12,059</b>	<b>175,049</b>	<b>187,108</b>	<b>100%</b>	<b>127,716</b>

Chart 2: Number of Claims by Claim Type

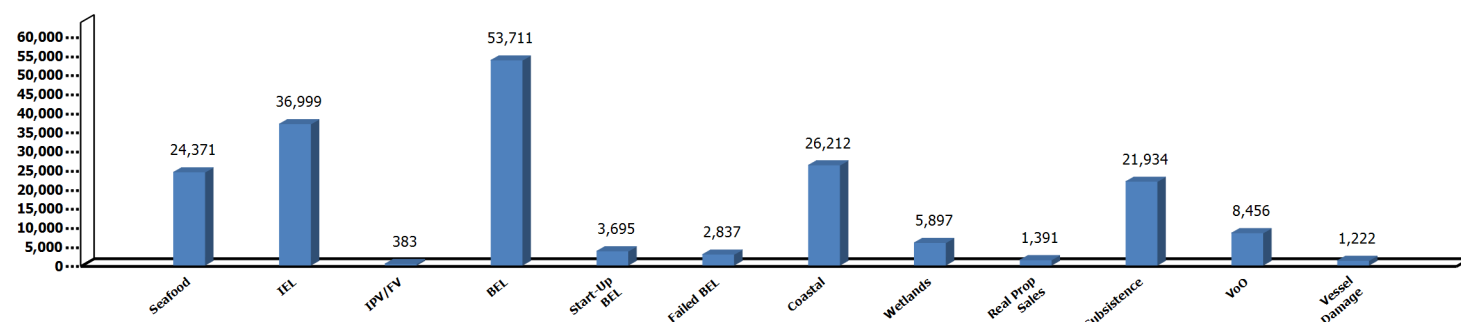


Table 3	Filings by Claimant Assistance Center								
	Claimant Assistance Center	Registration Forms				Claims			
		Form Begun	Form Submitted	Total	%	Form Begun	Form Submitted	Total	%
1.	Apalachicola, FL	26	1,325	1,351	5%	37	1,841	1,878	6%
2.	Bay St. Louis , MS	9	540	549	2%	30	646	676	2%
3.	Bayou La Batre, AL	21	923	944	4%	51	1,057	1,108	4%
4.	Biloxi , MS	37	1,281	1,318	5%	63	1,553	1,616	5%
5.	Bridge City, TX	2	336	338	1%	15	585	600	2%
6.	Clearwater, FL	71	2,142	2,213	8%	359	1,650	2,009	5%
7.	Cut Off, LA	13	426	439	2%	25	577	602	2%
8.	Fort Walton Beach , FL	11	1,245	1,256	5%	53	1,709	1,762	6%
9.	Grand Isle, LA	5	143	148	1%	5	225	230	1%
10.	Gretna/Harvey, LA	39	1,975	2,014	8%	49	2,014	2,063	7%
11.	Gulf Shores, AL	21	1,903	1,924	7%	63	2,536	2,599	8%
12.	Houma, LA	25	797	822	3%	42	1,035	1,077	3%
13.	Lafitte, LA	4	289	293	1%	12	393	405	1%
14.	Mobile, AL	64	5,958	6,022	23%	189	6,384	6,573	21%
15.	Naples, FL	25	1,215	1,240	5%	35	1,121	1,156	4%
16.	New Orleans – CBD BG, LA	15	332	347	1%	22	346	368	1%
17.	New Orleans East, LA	45	1,910	1,955	7%	103	2,232	2,335	7%
18.	Panama City Beach, FL	22	1,808	1,830	7%	90	2,634	2,724	9%
19.	Pensacola, FL	24	1,224	1,248	5%	65	1,499	1,564	5%
20.	<b>Total</b>	<b>479</b>	<b>25,772</b>	<b>26,251</b>	<b>100%</b>	<b>1,308</b>	<b>30,037</b>	<b>31,345</b>	<b>100%</b>

Chart 3: Number of Claims by Claimant Assistance Center

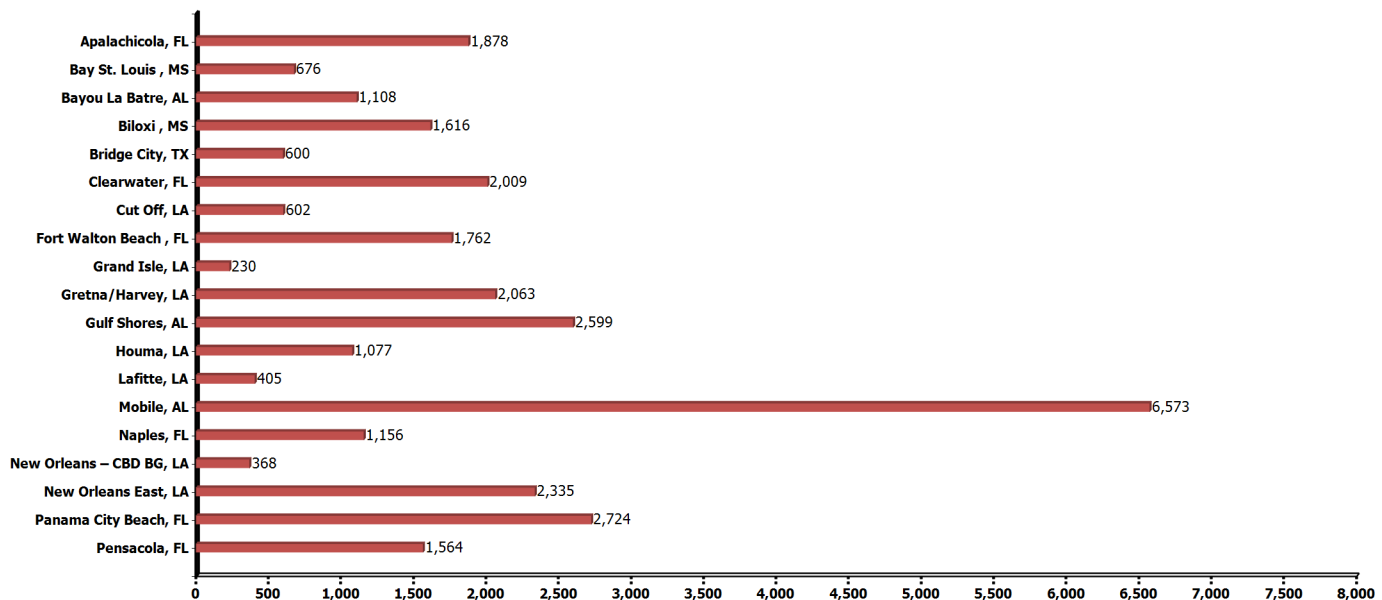


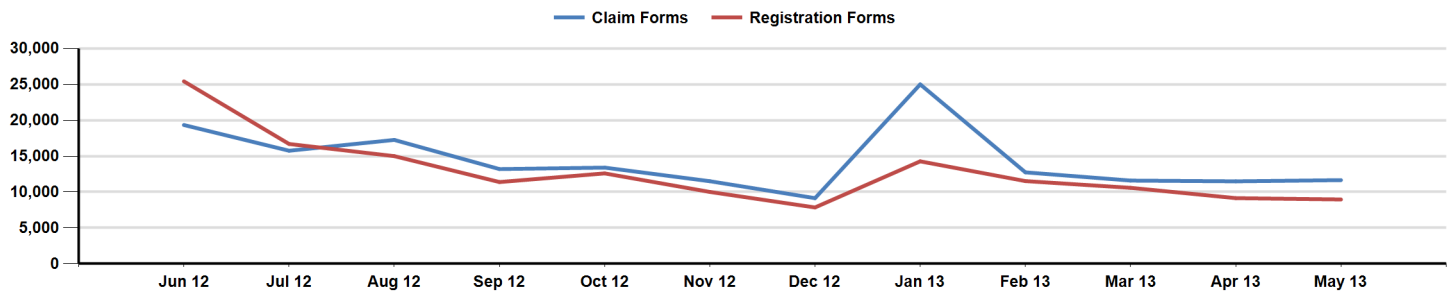
Table 4	Notices Issued												
	Claim Type	Eligible - Payable	Eligible - No Payment	Incomplete	Denial					Opt-Outs	Withdrawn	Closed	Total Claims Issued Notice
					Exclusion Denials	Prior GCCF Release	Causation Denials	Other Denials	Incomplete Denials				
1.	Seafood Compensation Program	7,130	1,064	5,121	41	2,265	0	268	1,637	1,170	2,176	512	21,384
2.	Individual Economic Loss	1,571	421	11,883	2,104	1,777	40	620	6,071	526	313	1,100	26,426
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	5	0	50	4	22	0	37	80	2	31	11	242
4.	Business Economic Loss	7,940	160	11,319	451	458	1,503	47	3,169	580	353	680	26,660
5.	Start-Up Business Economic Loss	332	14	1,115	24	34	31	24	534	67	49	94	2,318
6.	Failed Business Economic Loss	11	10	609	39	84	133	467	431	62	34	114	1,994
7.	Coastal Real Property	17,029	19	1,299	4	545	0	2,840	962	143	171	998	24,010
8.	Wetlands Real Property	1,737	2	112	6	48	0	861	11	11	122	328	3,238
9.	Real Property Sales	418	0	40	4	40	20	409	31	3	19	86	1,070
10.	Subsistence	651	1	2,135	9	1,036	0	6	7	136	36	32	4,049
11.	VoO Charter Payment	6,857	15	79	16	0	0	545	578	26	45	63	8,224
12.	Vessel Physical Damage	555	13	237	4	0	0	49	107	12	10	37	1,024
13.	<b>Total</b>	<b>44,236</b>	<b>1,719</b>	<b>33,999</b>	<b>2,706</b>	<b>6,309</b>	<b>1,727</b>	<b>6,173</b>	<b>13,618</b>	<b>2,738</b>	<b>3,359</b>	<b>4,055</b>	<b>120,639</b>

Table 5	Payment Information							
	Claim Type	Eligibility Notices Issued with Payment Offer		Accepted Offers		Payments Made		
		Number	Amount	Number	Amount	Number	Amount	Unique Claimants Paid
1.	Seafood Compensation Program	7,130	\$962,598,821	5,335	\$865,760,926	4,687	\$846,968,871	2,983
2.	Individual Economic Loss	1,571	\$18,580,657	1,216	\$14,909,371	1,073	\$12,607,205	1,073
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	5	\$38,396	5	\$38,396	4	\$14,396	4
4.	Business Economic Loss	7,940	\$1,955,043,652	7,147	\$1,719,642,951	6,059	\$1,088,531,345	5,863
5.	Start-Up Business Economic Loss	332	\$88,105,435	296	\$73,993,815	269	\$46,144,341	258
6.	Failed Business Economic Loss	11	\$1,437,021	4	\$599,357	3	\$589,357	3
7.	Coastal Real Property	17,029	\$102,848,935	15,347	\$93,916,281	14,039	\$83,109,000	11,162
8.	Wetlands Real Property	1,737	\$89,248,284	1,480	\$70,020,886	1,432	\$67,289,694	631
9.	Real Property Sales	418	\$23,052,246	395	\$22,149,186	377	\$21,930,874	352
10.	Subsistence	651	\$5,881,712	541	\$4,895,093	478	\$4,329,625	478
11.	VoO Charter Payment	6,857	\$275,820,476	6,694	\$270,167,421	6,538	\$266,290,215	5,000
12.	Vessel Physical Damage	555	\$9,888,507	485	\$8,081,322	432	\$7,059,473	408
13.	<b>Total</b>	<b>44,236</b>	<b>\$3,532,544,142</b>	<b>38,945</b>	<b>\$3,144,175,006</b>	<b>35,391</b>	<b>\$2,444,864,395</b>	<b>28,215</b>

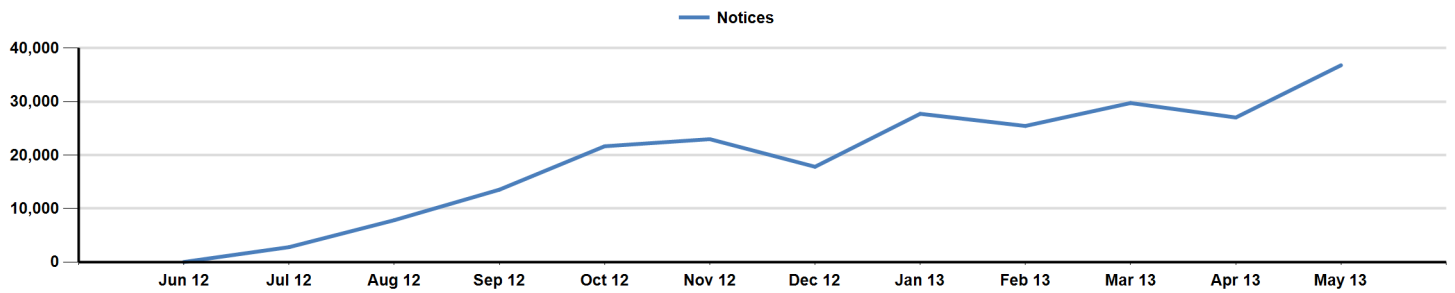
Table 6	Appeals Received			
	Resolved Appeals			
	Appeal Status	BP Appeals	Claimant Appeals	Total Appeals
1.	Decided by Appeal Panel	455	236	691
2.	Settled by Parties	261	27	288
3.	Withdrawn	152	20	172
4.	Administratively Closed	7	4	11
5.	Inactive Under Reconsideration/Re-Review	33	0	33
6.	Remand to Claims Administrator	38	6	44
7.	<b>Total</b>	<b>946</b>	<b>293</b>	<b>1,239</b>
Pending Appeals				
8.	In "Baseball" Process	537	56	593
9.	In "Non-Baseball" Process	0	77	77
10.	Submitted to Panel	223	67	290
11.	<b>Total</b>	<b>760</b>	<b>200</b>	<b>959</b>
Grand Total				
12.		<b>1,706</b>	<b>493</b>	<b>2,198</b>



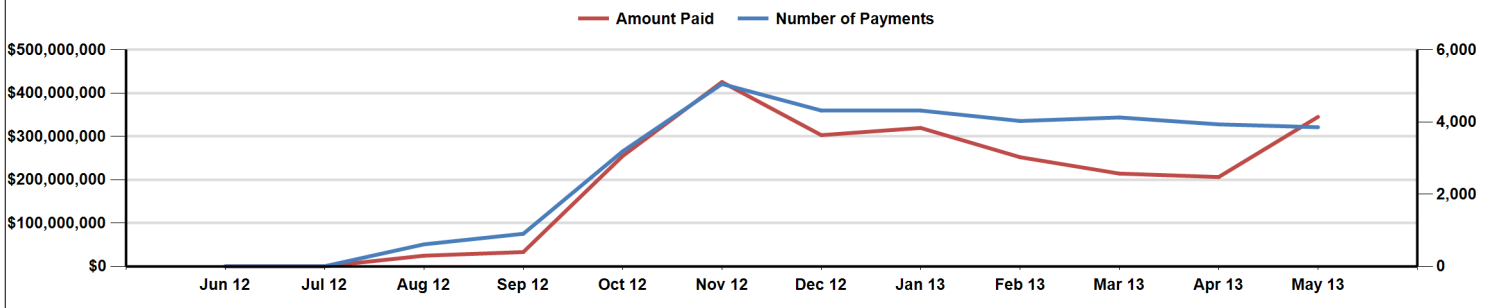
**Chart 4: Registration and Claim Forms Filed by Month**



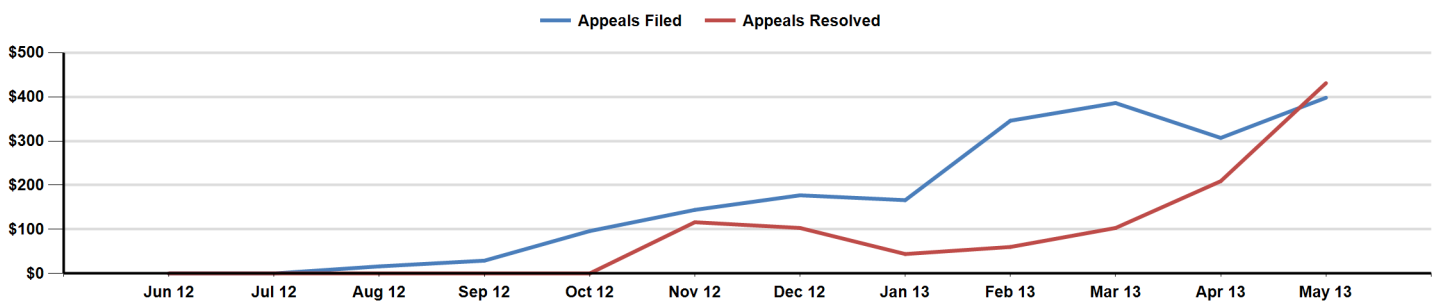
**Chart 5: Notices Issued by Month**



**Chart 6: Payments Made by Month**



**Chart 7: Appeal Resolutions by Month**



**Legend:**

1. Form Begun - Includes electronically filed registration or claim forms for the period of time between the moment a claimant or his attorney has initiated the submission of a form and moment they complete that filing by submitting the electronic signature. This definition also includes hard copy registration or claim forms where the DWH Intake Team is in the process of linking the scanned images and has not yet completed the data entry on that form.
2. Form Submitted - Includes electronically filed registration or claim forms after the claimant or his attorney completes the electronic signature and clicks the submit button. This definition also includes hard copy registration or claim forms where the DWH Intake Team has completed both the linking of scanned images and the data entry on that form.
3. Unique Claimants with Form Submitted - Counts the unique number of claimants with at least one Claim Form Submitted for each Claim Type. Because claimants may file claims for more than one Claim Type, the sum of all Claim Types will not equal the count of total unique claimants.
4. Notices Issued - The count of Notices Issued in Table 4 counts each unique claim issued a Notice only once. For claims issued multiple Notices, this report uses the following hierarchy when counting the claim: (1) Eligible – Payable; (2) Eligible – No Payment; (3) Denial; (4) Incomplete; (5) Withdrawn; (6) Closed. The count of Notices Issued in Chart 5, counts all Notices Issued and reports claims with multiple Notices once for each Notice issued. Because of this, the totals reported in Table 4 do not match the totals reported in Chart 5.
5. Payment Information - The timing of payment can be affected by a number of factors. Even after the DHECC receives a Release, delay in receipt of a W-9, or in receipt of the Attorney Fee Acknowledgment Form can delay payment. In addition, any alterations or omissions on the Release Form, or an assertion of a third-party lien against an award amount, can delay payment. As a result, this report will show a higher number of Accepted Offers than Amounts Paid.
6. Note: The Claims Administrator continually monitors the status of all claim filings. Through this process, the Claims Administrator may find duplicate claims from the same claimant. In such cases, the Claims Administrator will close the duplicate claim and only process the remaining valid claim. This report excludes duplicate claims from all counts of claims filed.