



**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

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

STATUS REPORT NO.	50	DATE	OCTOBER 31, 2016
--------------------------	-----------	-------------	-------------------------

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

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

STATUS REPORT NO. 50, DATED OCTOBER 31, 2016

The Claims Administrator of the Deepwater Horizon Economic and Property Settlement Agreement (Settlement Agreement) submits this Report to inform the Court of the status of the implementation of the Settlement Agreement as of September 30, 2016. 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 Form Submissions.

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. As of September 30, 2016, the Claims Administrator’s Office and Vendors (CAO)¹ have received 386,170 Claim Forms since the Settlement Program opened on June 4, 2012, as shown in the Public Statistics for the Deepwater Horizon Economic and Property Damages Settlement (Public Report) attached as Exhibit A.²

¹ “Claims Administrator’s Office”, as used within this report, refers to the Claims Administrator and, where applicable, Court-Supervised Settlement Program vendors working with and under the Claims Administrator.

² The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.

Of the total Claim Forms submitted, 6.5% were filed within the Seafood Program, 15.7% were filed within the Individual Economic Loss (IEL) framework, and 38.4% were filed within the Business Economic Loss (BEL) framework (including Start-Up and Failed BEL Claims). *See* Ex. A, Table 2.

On December 8, 2014, the United States Supreme Court declined the request for a review of the Fifth Circuit's rulings upholding the District Court's Final Approval Order of the Settlement Agreement. Accordingly, the Effective Date of the Settlement Agreement was December 8, 2014, and the final deadline for filing all new claims occurred on June 8, 2015. As such, the Claims Administrator continues to close new claim submissions made after June 8, 2015.

B. Claims Review.

The CAO completed its first claim reviews and issued its first outcome notices on July 15, 2012, and its first payments on July 31, 2012. There are many steps involved in reviewing a claim so that it is ready for a notice. In addition to reviewing the claims, substantial communication to claimants or their representatives is performed via notices, emails, phone calls, interviews, and site visits to obtain clarification and/or additional information or documentation necessary for the Program to review claims.

1. Claim Type Review Details.

Table 1 provides information, by Claim Type, on the number of claims filed, the number of claims that have been reviewed to Notice, the number of claims remaining to be reviewed to Notice, and the number of claims reviewed to either a Notice or "Later Notice" to date. Table 1 divides the claims reviewed to a "Later Notice" into separate sections: (1) claims receiving a Notice based on CAO review following the submission of additional materials by a claimant in

response to an Incompleteness Notice, and (2) claims receiving a Notice following a Reconsideration review conducted by the CAO.

Table 1. Throughput Analysis of Claims Filed and Notices Issued.

A. Claims Reviewed to First Notice													
	Claim Type	Status of All Claims Filed											
		Total Claims Filed To Date ³		Reviews Completed to Notice or Closed		Claims Remaining to Review							
1.	Seafood	24,956		24,956	100.0%	0	0.0%						
2.	IEL	60,804		59,826	98.4%	978	1.6%						
3.	IPV/FV	389		389	100.0%	0	0.0%						
4.	BEL	134,573		129,258	96.1%	5,315	3.9%						
5.	Start-Up BEL	7,839		7,677	97.9%	162	2.1%						
6.	Failed BEL	5,772		5,745	99.5%	27	0.5%						
7.	Coastal RP	42,224		42,223	99.9%	1	<0.1%						
8.	Wetlands RP	28,207		23,787	84.3%	4,420	15.7%						
9.	RPS	3,069		3,069	100.0%	0	0.0%						
10.	Subsistence	67,814		66,156	97.6%	1,658	2.4%						
11.	VoO	8,959		8,958	99.9%	1	<0.1%						
12.	VPD	1,564		1,564	100.0%	0	0.0%						
13.	TOTAL	386,170		373,608	96.7%	12,562	3.3%						
B. Claims Reviewed to Later Notice													
	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		Total Requests	Claims with Later Notice	Remaining Claims	
				#	%			#	%			#	%
1.	Seafood	6,034	5,777	257	4.3%	2,945	2,860	85	2.9%	4,424	4,422	2	0.0%
2.	IEL	19,948	18,205	1,743	8.7%	10,998	9,749	1,249	11.4%	8,037	7,475	562	7.0%
3.	IPV/FV	116	113	3	2.6%	47	47	0	0.0%	57	56	1	1.8%
4.	BEL	58,740	50,745	7,995	13.6%	33,326	27,598	5,728	17.2%	23,042	19,950	3,092	13.4%
5.	Start-Up BEL	3,760	3,305	455	12.1%	2,539	2,135	404	15.9%	2,025	1,752	273	13.5%
6.	Failed BEL	1,789	1,611	178	9.9%	1,313	1,178	135	10.3%	1,352	1,247	105	7.8%
7.	Coastal RP	6,358	6,295	63	1.0%	1,908	1,900	8	0.4%	2,392	2,386	6	0.3%
8.	Wetlands RP	1,189	853	336	28.3%	270	205	65	24.1%	1,753	1,434	319	18.2%
9.	RPS	371	370	1	0.3%	139	139	0	0.0%	266	266	0	0.0%
10.	Subsistence	21,364	18,539	2,825	13.2%	11,561	8,651	2,910	25.2%	15,168	7,049	8,119	53.5%

³ The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.

Table 1. Throughput Analysis of Claims Filed and Notices Issued.

11.	VoO	1,009	997	12	1.2%	447	436	11	2.5%	691	690	1	0.1%
12.	VPD	822	796	26	3.2%	393	383	10	2.5%	316	315	1	0.3%
13.	TOTAL	121,500	107,606	13,894	11.4%	65,886	55,281	10,605	16.1%	59,523	47,042	12,481	21.0%

2. 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 has been determined to be payable and the Compensation Amount has been calculated, the CAS team reviews accounting invoices and CAS Sworn Written Statements submitted by the claimant. Table 2 includes information on the number of CAS reviews the CAO has completed to date, whether the Accounting Support documentation was complete, and the dollar amounts reimbursed for each Claim Type.

Table 2. Claimant Accounting Support.

	Claim Type	CAS Review Results				Total CAS Review Results		CAS Dollar 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 ⁴	Total to Date				
1.	BEL	911	37,182	81	4,946	992	42,128	\$1,569,602.31	\$47,593,513.92
2.	IEL	47	3,617	8	818	55	4,435	\$10,066.16	\$467,458.54
3.	Seafood	0	3,986	0	879	0	4,865	\$406.15	\$1,651,418.31
4.	TOTAL	958	44,785	89	6,643	1,047	51,428	\$1,580,074.62	\$49,712,390.77

⁴ Changes since the last report include the impact of claims previously deemed Incomplete during CAS Review that are no longer considered Incomplete after a subsequent review. Negative values may occasionally appear in this table, which may occur when a claim has gone through multiple CAS Reviews resulting in a change in the CAS Review result. For example, a claim's CAS Review may change from incomplete to complete when the claimant supplements his/her CAS Review with additional documentation to cure an incompleteness reason.

C. Claim Notices and Payments.

Tables 3 and 4 of the Public Report attached in Exhibit A provide detail on the notices and payments issued to date. As of September 30, 2016, the CAO has issued 148,437 Eligibility Notices to unique claims with Payment Offers totaling \$9.3 billion. As of that date, the CAO has made payments on 143,161 claims totaling \$8.7 billion.

D. Re-Reviews, Reconsiderations, and Appeals.

1. Re-Reviews and Outcomes.

To date, there have been 190,502 Eligibility or Denial Notices issued from which claimants can or could seek Re-Review. Of those, the window to seek Re-Review has passed or Re-Review has been requested for 186,616. Of those, claimants have requested Re-Review of 27,833 claims. Thus, the rate of Re-Review from all final determinations is 14.9%. The rate of Re-Review from Eligibility Notices is 11.2%, while the rate of Re-Review from Denial Notices is 23.5%.

Table 3 summarizes the Re-Reviews the CAO has completed, the number of Post Re-Review Notices the CAO has issued, and whether the outcome of the Re-Review resulted in an award that was higher than (), lower than (), or the same as () the outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Re-Review.

Table 3. Re-Reviews.					
A. Re-Review Requests and Reviews					
	Claim Type	Requests Received To Date	Notice Issued or Claims Closed	Claims Remaining to Receive Notice or Claims Closed	
				#	%
1.	Seafood	935	935	0	0.0%
2.	IEL	1,220	1,115	105	8.6%
3.	IPV/FV	14	14	0	0.0%
4.	BEL	11,192	9,727	1,465	13.1%
5.	Start-Up BEL	847	655	192	22.7%

Table 3. Re-Reviews.													
A. Re-Review Requests and Reviews													
	Claim Type	Requests Received To Date				Notice Issued or Claims Closed		Claims Remaining to Receive Notice or Claims Closed					
		#		%		#		%		#		%	
6.	Failed BEL	491				448		43		8.8%			
7.	Coastal RP	1,267				1,267		0		0.0%			
8.	Wetlands RP	4,008				3,412		596		14.9%			
9.	RPS	135				135		0		0.0%			
10.	Subsistence	7,600				5,986		1,614		21.2%			
11.	VoO	70				70		0		0.0%			
12.	VPD	54				54		0		0.0%			
13.	TOTAL	27,833				23,818		4,015		14.4%			
B. Re-Review Notices Issued													
	Claim Type	Outcome of Re-Review Notice ⁵											
		Compensation Amount for Eligible Claims						Exclusions/Denials					
		#		%		#		%		Confirmed		Overturned	
		#	%	#	%	#	%	#	%	#	%	#	%
1.	Seafood	476	50.9%	63	6.7%	257	27.5%	128	13.7%	11	1.2%		
2.	IEL	276	24.8%	95	8.5%	332	29.8%	404	36.2%	8	0.7%		
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	14	100.0%	0	0.0%		
4.	BEL	3,558	36.6%	477	4.9%	916	9.4%	4,644	47.7%	132	1.4%		
5.	Start-Up BEL	79	12.1%	9	1.4%	25	3.8%	532	81.2%	10	1.5%		
6.	Failed BEL	7	1.6%	12	2.7%	20	4.5%	407	90.8%	2	0.4%		
7.	Coastal RP	66	5.2%	6	0.5%	158	12.5%	994	78.5%	43	3.4%		
8.	Wetlands RP	45	1.3%	848	24.9%	111	3.3%	2,385	69.9%	23	0.7%		
9.	RPS	1	0.7%	0	0.0%	3	2.2%	118	87.4%	13	9.6%		
10.	Subsistence	3,894	65.1%	689	11.5%	665	11.1%	429	7.2%	309	5.2%		
11.	VoO	7	10.0%	5	7.1%	18	25.7%	37	52.9%	3	4.3%		
12.	VPD	23	42.6%	3	5.6%	13	24.1%	14	25.9%	1	1.9%		
13.	TOTAL	8,432	35.4%	2,207	9.3%	2,518	10.6%	10,106	42.4%	555	2.3%		

2. Reconsideration Reviews and Outcomes.

To date, there have been 345,830 Eligibility, Denial, or Incompleteness Denial Notices issued from which claimants can or could seek Reconsideration. Of those, the window to seek

⁵ Changes to the figures related to an outcome of a Re-Review Notice as compared to the previous outcome is a result of claims receiving a new Notice, which caused the claims to move from the Decrease section to the Increase section of the Report.

Reconsideration has passed or Reconsideration has been requested for 338,836. Of those, claimants have requested Reconsideration of 59,523 claims. Thus, the rate of Reconsideration from all final determinations is 17.6%. The rate of Reconsideration from Eligibility Notices is 6.4%, while the rate of Reconsideration from Denial or Incompleteness Denial Notices is 28.0%.

Table 4 summarizes the Reconsiderations the CAO has completed, the number of Post-Reconsideration Notices the CAO has issued, and whether the outcome of the Reconsideration review resulted in an award that was higher than (), lower than (), or the same as () the outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Reconsideration.

Table 4. Reconsideration.					
A. Reconsideration Requests and Reviews					
	Claim Type	Requests Received To Date	Notice Issued or Claims Closed	Claims Remaining to Receive Notice or Claims Closed	
				#	%
1.	Seafood	4,424	4,422	2	0.0%
2.	IEL	8,037	7,475	562	7.0%
3.	IPV/FV	57	56	1	1.8%
4.	BEL	23,042	19,950	3,092	13.4%
5.	Start-Up BEL	2,025	1,752	273	13.5%
6.	Failed BEL	1,352	1,247	105	7.8%
7.	Coastal RP	2,392	2,386	6	0.3%
8.	Wetlands RP	1,753	1,434	319	18.2%
9.	RPS	266	266	0	0.0%
10.	Subsistence	15,168	7,049	8,119	53.5%
11.	VoO	691	690	1	0.1%
12.	VPD	316	315	1	0.3%
13.	TOTAL	59,523	47,042	12,481	21.0%
B. Reconsideration Notices Issued					
	Claim Type	Outcome of Reconsideration Notice ⁶			
		Compensation Amount for Eligible Claims		Exclusions/Denials	
				Confirmed	Overturned

⁶ Changes to the figures related to outcomes of Reconsideration Notices as compared to the previous outcomes are a result of multiple claimants receiving new Notices and subsequently requesting further Reconsideration, which resulted in the removal of the claims associated with these new Reconsideration requests from this Report.

		#	%	#	%	#	%	#	%	#	%
1.	Seafood	813	18.4%	209	4.7%	542	12.3%	2,250	50.9%	608	13.7%
2.	IEL	198	2.6%	139	1.9%	512	6.8%	4,608	61.6%	2,018	27.0%
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	54	96.4%	2	3.6%
4.	BEL	964	4.8%	464	2.3%	814	4.1%	9,349	46.9%	8,359	41.9%
5.	Start-Up BEL	23	1.3%	14	0.8%	36	2.1%	1,168	66.7%	511	29.2%
6.	Failed BEL	5	0.4%	13	1.0%	33	2.6%	988	79.2%	208	16.7%
7.	Coastal RP	96	4.0%	24	1.0%	465	19.5%	1,462	61.3%	339	14.2%
8.	Wetlands RP	56	3.9%	29	2.0%	96	6.7%	1,211	84.4%	42	2.9%
9.	RPS	1	0.4%	0	0.0%	4	1.5%	233	87.6%	28	10.5%
10.	Subsistence	1,377	19.5%	175	2.5%	405	5.7%	3,101	44.0%	1,991	28.2%
11.	VoO	59	8.6%	4	0.6%	127	18.4%	425	61.6%	75	10.9%
12.	VPD	52	16.5%	5	1.6%	16	5.1%	157	49.8%	85	27.0%
13.	TOTAL	3,644	7.7%	1,076	2.3%	3,050	6.5%	25,006	53.2%	14,266	30.3%

3. Appeals.

(a) BP Appeals.

To date, the CAO has issued 39,447 Eligibility Notices that meet or exceed the threshold amount rendering them eligible for appeal by BP. Of those, BP has either filed an appeal or the deadline for BP to file an appeal has passed for 38,979 Notices. Of those 38,979 Notices, BP has filed 8,062 appeals, a 20.7% appeal rate. Table 5 provides summary information on the status of BP appeals.

Table 5. Status of BP Appeals.				
A. Appeal Filing/Resolution				
	Status	As of Last Report	Since Last Report	Total
1.	BP Appeals Filed	7,996	66	8,062
2.	Resolved Appeals	7,678	69	7,747
(a).	Resolved by Panel Decision	3,162	35	3,197
(b).	Resolved by Parties	1,489	14	1,503
(c).	Remand to Claims Administrator	324	10	334
(d).	Discretionary Court Review Granted	28	3	31
(e).	Administratively Closed	429	0	429
(f).	Withdrawn	497	4	501
(g).	Inactive Under Reconsideration/Re-Review	304	3	307
(h).	Return for Review Under Policy 495	1,445	0	1,445
B. Pending Appeals				
1.	In "Baseball" Process		103	

Table 5. Status of BP Appeals.

2.	Submitted to Panel	66
3.	Under Discretionary Court Review	146
4.	TOTAL PENDING	315

(b) Claimant Appeals.

Before a claimant may file an appeal, the claimant must request Reconsideration and receive a Post-Reconsideration Eligibility or Denial Notice. To date, the CAO has issued 18,564 Post-Reconsideration Eligibility and Denial Notices. Of those, the claimant has either filed an appeal or the deadline for the claimant to file an appeal has passed for 17,800 Notices. Of those 17,800 Notices, claimants have filed 4,366 appeals, a 24.5% appeal rate. Of the 4,366 claimant appeals, 3,273 are appeals of Post-Reconsideration Denial Notices, while 1,093 are appeals of Post-Reconsideration Eligibility Notices. Table 6 provides summary information on the status of Claimant Appeals.

Table 6. Status of Claimant Appeals.

A. Appeal Filing/Resolution				
	Status	As of Last Report	Since Last Report	Total
1.	Claimant Appeals Filed	4,110	256	4,366
2.	Resolved Appeals	3,294	104	3,398
(a).	Resolved by Panel Decision	2,283	84	2,367
(b).	Resolved by Parties	123	1	124
(c).	Remand to Claims Administrator	281	9	290
(d).	Discretionary Court Review Granted	273	0	273
(e).	Administratively Closed	164	8	172
(f).	Withdrawn	80	2	82
(g).	Return for Review Under Policy 495	90	0	90
B. Pending Appeals				
1.	In "Baseball" Process		72	
2.	In "Non-Baseball" Process		569	
3.	Submitted to Panel		198	
4.	Under Discretionary Court Review		129	
5.	TOTAL PENDING		968	

(c) Resolved Appeals.

As reported in the table below, 11,145 appeals have been resolved. Table 7 provides a summary of these resolved appeals by Claim Type. The comparison between the Post-Appeal Award Amount and the Award Amount within the original notice does not take into consideration the 5.0% increase in compensation that a claimant who prevails upon appeal receives.

Table 7. Outcome After Appeal.													
Claim Type		Appeals Settled or Decided by Panel						DR Grant	With-drawn	Admin. Closed	Inactive Under Recon./Re-Review	Return for Review Under Policy 495	Total
		Compensation Amount Following Appeal Compared to That of Original Notice											
		Higher	Lower	Same	Denial Upheld	Denial Over-turned	Remand						
1.	Seafood	90	23	184	62	10	27	6	55	33	9	0	499
2.	IEL	27	74	146	127	15	64	6	17	29	8	0	513
3.	IPV/FV	0	0	0	1	1	0	0	0	1	0	0	3
4.	BEL	90	1,676	2,751	891	173	458	281	452	489	274	1,535	9,070
5.	Coastal RP	46	1	38	197	9	7	5	8	11	0	0	322
6.	Wetlands RP	4	10	8	99	3	6	2	6	14	16	0	168
7.	RPS	0	8	27	44	0	1	4	5	2	0	0	91
8.	Subsistence	12	2	42	21	1	41	0	4	12	0	0	135
9.	VoO	18	32	50	69	21	7	0	28	4	0	0	229
10.	VPD	2	30	33	23	0	13	0	8	6	0	0	115
11.	TOTAL	289	1,856	3,279	1,534	233	624	304	583	601	307	1,535	11,145

(d) Incompleteness Appeals.

The Appeal for Insufficient Documentation (Incompleteness Appeal) allows Economic Class Members to have their claims reviewed by a separate Documentation Reviewer when the CAO denies their claims because of insufficient documentation. The Documentation Reviewer

reviews the claimant's documentation to determine whether the Settlement Program correctly denied the claim.

Before sending the claim to the Documentation Reviewer, the CAO reviews the appeal request along with any newly submitted documents. If the claimant has submitted the requested documentation and cured the incompleteness, the CAO issues the appropriate Notice. If the claimant still has not submitted the requested documentation, the CAO sends the claim to the Documentation Reviewer for review.

Before a claimant may file an appeal of an Incompleteness Denial, the claimant must request Reconsideration and receive a Post-Reconsideration Incompleteness Denial Notice. To date, the CAO has issued 12,752 Post-Reconsideration Incompleteness Denial Notices. Of those, the claimant's appeal deadline has passed or an appeal has been filed for 12,558 Notices. Of the 12,558 Notices eligible for appeal, 7,331 (58.4%) appeal requests have been filed. Table 8 provides summary information on the status of Incompleteness Appeals.

Table 8. Incompleteness Appeals.				
A. Incompleteness Appeal Filing/Resolution				
	Status	As of Last Report	Since Last Report	Total
1.	Incompleteness Appeals Filed	7,065	266	7,331
2.	Appeals Resolved	4,974	226	5,200
(a).	Withdrawn/Closed Claims	342	29	371
(b).	Cured	2,145	104	2,249
(c).	Incompleteness Denial Affirmed	2,082	58	2,140
(d).	Incompleteness Denial Overturned	405	35	440
B. Pending Incompleteness Appeals				
3.	In Pre-Documentation Reviewer Process		1,732	
4.	Currently Before Documentation Reviewer		399	
5.	TOTAL PENDING		2,131	

(e) Fifth Circuit Appeals.

As a result of decisions handed down by the United States Court of Appeals for the Fifth Circuit (the “Fifth Circuit”) on May 8, 2015, the Parties now have the right to notice further appeals to the Fifth Circuit from rulings made by the District Court on discretionary review of individual claims. The CAO has finalized procedures with the District Court to implement and facilitate the Fifth Circuit’s rulings since changes were required with respect to the docketing of discretionary review requests and rulings, and the creation of appeal records. Claimants primarily have taken various appeals, which have been argued, are awaiting oral argument, and/or are pending decision before the Fifth Circuit.

E. Seafood Supplemental Distribution.

The Settlement Agreement calls for BP to finance a \$2.3 billion Seafood Compensation Program Settlement Fund. The Settlement Agreement states that any balance available after the first distribution will be distributed to each claimant in proportion to the claimant’s gross compensation, unless the Court-Appointed Seafood Neutrals recommend a different formula. The Court’s Order (as originally issued on November 18, 2014, and as procedurally amended on June 16, 2016 to expedite the completion of the process) approved a partial Supplemental Distribution targeted at \$500 million of the remaining undistributed portion of the aggregate \$2.3 billion fund for the Seafood Compensation Program. Payments will be disbursed in multiple phases.

As of September 30, 2016, the Settlement Program has issued 5,124 Seafood Supplemental Distribution Round One Eligibility Notices for a total value of \$504,798,869. The Seafood Supplemental Distribution Round One Notices are included in the report where appropriate. As of September 30, 2016, the Settlement Program has issued Supplemental Distribution Round One payments of \$487,384,090 to 4,430 claimants.

On December 17, 2015, the Claims Administrator submitted a letter report and recommendations to the Court providing for a subsequent distribution (“Supplemental Distribution Round Two”), and thereafter a residual distribution. After the Court approved the Claims Administrator’s report and recommendations on January 7, 2016, the Settlement Program began issuing Seafood Supplemental Round Two Eligibility Notices. As of September 30, 2016, the Settlement Program has issued 613 Seafood Supplemental Distribution Round Two Eligibility Notices for a total value of \$33,819,937. The Seafood Supplemental Distribution Round Two Notices are included in the report where appropriate. As of September 30, 2016, the Settlement Program has issued Supplemental Distribution Round Two payments of \$30,993,665 to 476 claimants.

II. CONCLUSION

The Claims Administrator offers this Report to ensure that the Court is informed of the status of the Settlement Program to date. If the Court would find additional information helpful, the Claims Administrator stands ready to provide it at the Court’s convenience.

/s/ Patrick 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 LexisNexis 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/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 31st day of October, 2016.

/s/ Patrick Juneau
PATRICK A. JUNEAU
CLAIMS ADMINISTRATOR

October 1, 2016

EXHIBIT A

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	Claims		Unique Claimants with Forms Submitted
		Form Submitted	%	
1.	Alabama	63,500	16.4%	46,938
2.	Florida	105,293	27.3%	76,646
3.	Louisiana	120,047	31.1%	76,146
4.	Mississippi	45,241	11.7%	35,464
5.	Texas	19,618	5.1%	11,238
6.	Other	32,471	8.4%	15,146
7.	Total	386,170	100.0%	261,578

Table 2	Number of Claims by Claim Type			
	Claim Type	Claims		Unique Claimants with Form Submitted
		Form Submitted	%	
1.	Seafood Compensation Program	24,956	6.5%	10,543
2.	Individual Economic Loss	60,804	15.7%	58,607
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	389	0.1%	383
4.	Business Economic Loss	134,573	34.8%	93,651
5.	Start-Up Business Economic Loss	7,839	2.0%	6,243
6.	Failed Business Economic Loss	5,772	1.5%	4,835
7.	Coastal Real Property	42,224	10.9%	28,657
8.	Wetlands Real Property	28,207	7.3%	4,497
9.	Real Property Sales	3,069	0.8%	1,610
10.	Subsistence	67,814	17.6%	67,287
11.	VoO Charter Payment	8,959	2.3%	6,291
12.	Vessel Physical Damage	1,564	0.4%	1,309
13.	Total	386,170	100.0%	261,578

Table 3	Claim Type	Notices Issued											
		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	13,929	2,284	28	53	2,415	0	1,233	4,630	1,154	3,246	2,019	30,991
2.	Individual Economic Loss	7,287	643	3,285	3,539	2,508	101	4,393	30,576	749	4,746	4,083	61,910
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	9	0	0	11	28	0	84	193	3	101	43	472
4.	Business Economic Loss	46,233	1,201	19,978	1,356	884	8,787	5,014	23,552	931	8,172	13,672	129,780
5.	Start-Up Business Economic Loss	1,158	38	1,041	69	56	795	1,007	2,295	109	461	720	7,749
6.	Failed Business Economic Loss	101	107	492	83	145	547	1,484	1,697	105	327	713	5,801
7.	Coastal Real Property	29,712	69	8	14	957	0	5,834	1,705	376	1,178	2,555	42,408
8.	Wetlands Real Property	9,894	12	448	63	95	0	7,867	204	94	1,729	3,341	23,747
9.	Real Property Sales	864	6	0	11	88	37	687	103	20	1,123	174	3,113
10.	Subsistence	31,282	479	5,443	35	2,338	0	11,661	11,205	264	1,299	2,165	66,171
11.	VoO Charter Payment	7,125	15	1	16	0	0	609	793	92	82	173	8,906
12.	Vessel Physical Damage	843	26	3	7	0	0	173	285	19	82	122	1,560
13.	Total	148,437	4,880	30,727	5,257	9,514	10,267	40,046	77,238	3,916	22,546	29,780	382,608

Table 4	Claim Type	Payment Information						
		Eligibility Notices Issued with Payment Offer		Accepted Offers		Payments Made		
		Number	Amount	Number	Amount	Number	Amount	Unique Claimants Paid
1.	Seafood Compensation Program	13,929	\$1,717,362,568	13,699	\$1,697,898,879	13,678	\$1,692,253,672	5,267
2.	Individual Economic Loss	7,287	\$90,803,341	6,954	\$88,485,439	6,792	\$85,688,139	6,792
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	9	\$77,749	9	\$77,749	8	\$77,085	8
4.	Business Economic Loss	46,233	\$6,321,555,336	44,176	\$6,021,525,978	42,682	\$5,741,417,503	38,706
5.	Start-Up Business Economic Loss	1,158	\$165,984,747	1,116	\$163,567,434	1,095	\$159,976,675	1,036
6.	Failed Business Economic Loss	101	\$10,587,366	88	\$9,815,663	77	\$7,841,713	76
7.	Coastal Real Property	29,712	\$164,881,073	29,323	\$161,776,031	29,094	\$160,043,471	22,795
8.	Wetlands Real Property	9,894	\$204,998,559	8,969	\$201,564,811	8,849	\$200,715,569	2,201
9.	Real Property Sales	864	\$40,488,744	860	\$40,450,447	860	\$40,450,447	762
10.	Subsistence	31,282	\$303,420,070	26,979	\$275,214,381	25,709	\$261,574,036	25,709
11.	VoO Charter Payment	7,125	\$283,560,052	7,111	\$281,825,726	7,102	\$281,517,526	5,396
12.	Vessel Physical Damage	843	\$12,903,112	839	\$12,853,783	835	\$12,744,313	768
13.	Totals on DWH Releases	148,437	\$9,316,622,717	140,123	\$8,955,056,320	136,781	\$8,644,300,149	103,653
14.	40% Request					3,352	\$57,121,953	3,352
15.	6% Refund					3,028	\$7,939,221	2,563
16.	Total Payments					143,161	\$8,709,361,323	108,140

Table 5	Appeals Received			
	Resolved Appeals			
	Appeal Status	BP Appeals	Claimant Appeals	Total Appeals
1.	Resolved by Panel Decision	3,197	2,367	5,564
2.	Discretionary Court Review Granted	31	273	304
3.	Resolved by Parties	1,503	124	1,627
4.	Withdrawn	501	82	583
5.	Administratively Closed	429	172	601
6.	Inactive Under Reconsideration/Re-Review	307	0	307
7.	Remand to Claims Administrator	334	290	624
8.	Return for Review Under Policy 495	1,445	90	1,535
9.	Total	7,747	3,398	11,145
Pending Appeals				
10.	In "Baseball" Process	103	72	175
11.	In "Non-Baseball" Process	0	569	569
12.	Submitted to Panel	66	198	264
13.	Under Discretionary Court Review	146	129	275
14.	Total	315	968	1,283
Grand Total				
15.		8,062	4,366	12,428

Chart 1: Payments Made by Month

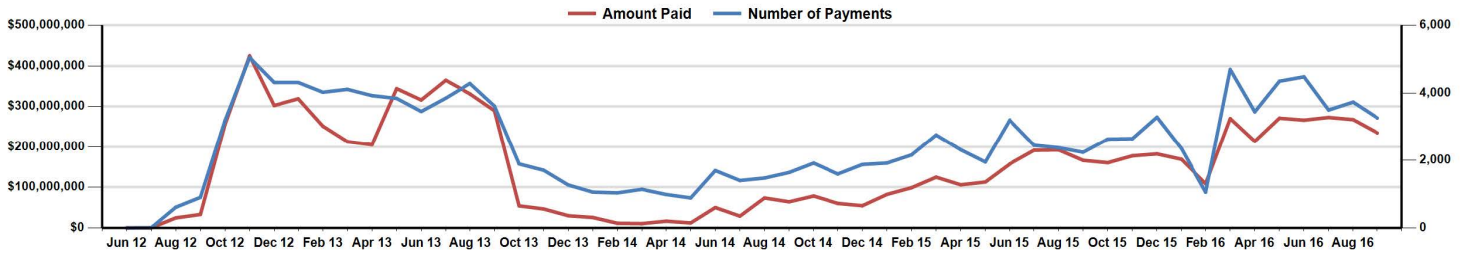
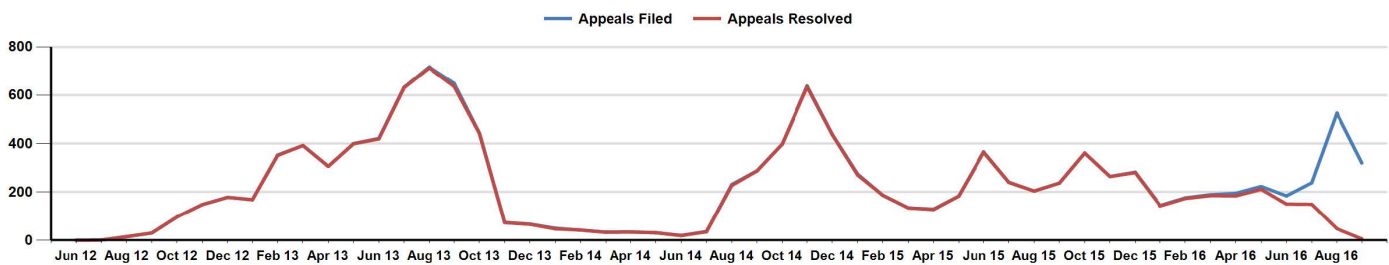


Chart 2: Appeal Resolutions by Month



Legend:

1. Form Submitted - Includes electronically filed claim forms after the claimant or his attorney completes the electronic signature and clicks the Submit button. This definition also includes hard copy claim forms where the DWH Intake Team has completed both the linking of scanned images and the data entry on that form.
2. 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.
3. Notices Issued – The Seafood Compensation Program row (row 1) of Table 3 includes Seafood Supplemental Distribution Claims (both Round One and Round Two). The count of Notices Issued in Table 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) Eligibility Notice if the claim has been paid; (2) Most recent active Notice if the claim has not been paid; (3) If the claim has been closed it will not be counted as an Eligibility Notice unless the claim has been paid.
4. 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. The Seafood Compensation Program row (row 1) of Table 4 includes Seafood Supplemental Distribution Claims (both Round One and Round Two).
5. Appeals Received - Excludes Appeals closed pursuant to 4/24/13 Court Order.
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.
7. Note: The Seafood Supplemental Distribution Notices (both Round One and Round Two) are included in the Exhibit A as appropriate.
8. Note: The final deadline for filing all claims other than those that fall into the Seafood Compensation Program was 6/8/15.
9. Note: The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.
10. As to Table 3, the Total Claims Issued Notice figure contains 3,603 Notices of Withdrawal, Closure, and Denial which have previously been issued to claimants prior to the finalization and submissions of their associated Claim Forms. The partially completed Claim Forms associated with these Notices are not included within the total population of Claim Forms Submitted in Table 1.