



**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.**

**57**

**DATE**

**JANUARY 31, 2018**

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ECONOMIC AND PROPERTY DAMAGES SETTLEMENT AGREEMENT ON THE  
STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO. 57, DATED JANUARY 31, 2018**

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 December 31, 2017. 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 December 31, 2017, the Claims Administrator’s Office and Vendors (CAO)<sup>1</sup> have received 390,574 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.<sup>2</sup>

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<sup>1</sup> “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.

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

Of the total Claim Forms submitted, 6.4% were filed within the Seafood Program, 15.6% were filed within the Individual Economic Loss (IEL) framework, and 38.3% 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.**

<b>A. Claims Reviewed to First Notice</b>																	
	Claim Type	Status of All Claims Filed															
		Total Claims Filed to Date <sup>3</sup>		Reviews Completed to Notice or Closed			Claims Remaining to Review <sup>4</sup>										
1.	Seafood	24,959		24,959			100.0%							0		0.0%	
2.	IEL	60,810		60,798			99.9%							12		<0.1%	
3.	IPV/FV	390		390			100.0%							0		0.0%	
4.	BEL	135,552		135,384			99.9%							168		0.1%	
5.	Start-Up BEL	7,935		7,931			99.9%							4		<0.1%	
6.	Failed BEL	5,912		5,910			99.9%							2		<0.1%	
7.	Coastal RP	42,233		42,233			100.0%							0		0.0%	
8.	Wetlands RP	31,328		31,328			100.0%							0		0.0%	
9.	RPS	3,069		3,069			100.0%							0		0.0%	
10.	Subsistence	67,862		67,861			99.9%							1		<0.1%	
11.	VoO	8,960		8,960			100.0%							0		0.0%	
12.	VPD	1,564		1,564			100.0%							0		0.0%	
13.	<b>TOTAL</b>	<b>390,574</b>		<b>390,387</b>			<b>99.9%</b>							<b>187</b>		<b>&lt;0.1%</b>	
<b>B. Claims Reviewed to Later Notice</b>																	
	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	6,035	5,778	257	4.3%	2,947	2,864	83	2.8%	4,422	4,422	0	0.0%				
2.	IEL	20,190	19,407	783	3.9%	11,739	11,408	331	2.8%	9,759	9,714	45	0.5%				
3.	IPV/FV	116	113	3	2.6%	47	47	0	0.0%	57	57	0	0.0%				
4.	BEL	60,259	58,823	1,436	2.4%	34,910	34,372	538	1.5%	27,019	26,761	258	1.0%				
5.	Start-Up BEL	3,897	3,770	127	3.3%	2,675	2,622	53	2.0%	2,506	2,475	31	1.2%				

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

<sup>4</sup> "Claims Remaining to Review" contains claims which are on processing holds for various policy reasons and cannot be processed at this time.

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

<b>B. Claims Reviewed to Later Notice</b>													
	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	
				#	%			#	%			#	%
6.	Failed BEL	1,898	1,841	57	3.0%	1,439	1,392	47	3.3%	1,664	1,654	10	0.6%
7.	Coastal RP	6,358	6,295	63	1.0%	1,911	1,904	7	0.4%	2,399	2,399	0	0.0%
8.	Wetlands RP	1,285	1,252	33	2.6%	310	309	1	0.3%	2,537	2,533	4	0.2%
9.	RPS	371	370	1	0.3%	139	139	0	0.0%	266	266	0	0.0%
10.	Subsistence	21,857	21,172	685	3.1%	12,129	11,953	176	1.5%	18,006	17,987	19	0.1%
11.	VoO	1,009	997	12	1.2%	447	436	11	2.5%	691	691	0	0.0%
12.	VPD	822	796	26	3.2%	393	383	10	2.5%	317	317	0	0.0%
13.	<b>TOTAL</b>	<b>124,097</b>	<b>120,614</b>	<b>3,483</b>	<b>2.8%</b>	<b>69,086</b>	<b>67,829</b>	<b>1,257</b>	<b>1.8%</b>	<b>69,643</b>	<b>69,276</b>	<b>367</b>	<b>0.5%</b>

## 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.

<b>Table 2. Claimant Accounting Support.</b>									
	Claim Type	CAS Review Results				Total CAS Review Results		Total Offered CAS Dollar Amounts	
		Complete		Incomplete		Since Last Report	Total to Date	Since Last Report	Total to Date
		Since Last Report	Total to Date	Since Last Report <sup>5</sup>	Total to Date				
1.	<b>BEL</b>	695	42,992	19	5,596	714	48,588	\$3,196,601.27	\$62,590,039.29
2.	<b>IEL</b>	36	4,414	2	874	38	5,288	\$11,390.02	\$641,561.38
3.	<b>Seafood</b>	0	3,986	0	879	0	4,865	\$0.00	\$1,651,418.31
4.	<b>TOTAL</b>	<b>731</b>	<b>51,392</b>	<b>21</b>	<b>7,349</b>	<b>752</b>	<b>58,741</b>	<b>\$3,207,991.29</b>	<b>\$64,883,018.98</b>

### **C. Claim Notices and Payments<sup>6</sup>.**

Tables 3 and 4 of the Public Report attached in Exhibit A provide detail on the notices and payments issued to date. As of December 31, 2017, the CAO has issued 179,999 Eligibility Notices to unique claims with Payment Offers totaling \$14.2 billion. As of that date, the CAO has made payments on 180,654 claims totaling \$11.2 billion.

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

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

To date, there have been 226,623 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 226,477. Of those, claimants have requested Re-Review of 39,372 claims. Thus, the rate of Re-Review from all final determinations is 17.4%. The rate of Re-Review from Eligibility Notices is 13.9%, while the rate of Re-Review from Denial Notices is 25.6%.

<sup>5</sup> 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.

<sup>6</sup> The difference between the number of Eligibility Notices issued on unique claims and the number of payments made is due to 6% Refunds and 40% Payments derivative from the GCCF, which are included as paid claims but do not receive Eligibility Notices.

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.

<b>Table 3. Re-Reviews.</b>											
<b>A. Re-Review Requests and Reviews</b>											
	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	1,732		1,732		0	0.0%				
3.	IPV/FV	14		14		0	0.0%				
4.	BEL	14,130		14,094		36	0.3%				
5.	Start-Up BEL	1,303		1,295		8	0.6%				
6.	Failed BEL	721		718		3	0.4%				
7.	Coastal RP	1,268		1,268		0	0.0%				
8.	Wetlands RP	4,716		4,716		0	0.0%				
9.	RPS	135		135		0	0.0%				
10.	Subsistence	14,294		14,291		3	<0.1%				
11.	VoO	70		70		0	0.0%				
12.	VPD	54		54		0	0.0%				
13.	<b>TOTAL</b>	<b>39,372</b>		<b>39,322</b>		<b>50</b>	<b>0.1%</b>				
<b>B. Re-Review Notices Issued</b>											
	Claim Type	Outcome of Re-Review Notice <sup>7</sup>									
		Compensation Amount for Eligible Claims						Exclusions/Denials			
								Confirmed		Overturned	
		#	%	#	%	#	%	#	%	#	%
1.	Seafood	476	50.9%	54	5.8%	266	28.4%	108	11.6%	31	3.3%
2.	IEL	495	28.6%	68	3.9%	569	32.9%	533	30.8%	67	3.9%
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	13	92.9%	1	7.1%
4.	BEL	4,931	35.0%	548	3.9%	1,603	11.4%	5,324	37.8%	1,688	12.0%
5.	Start-Up BEL	147	11.4%	14	1.1%	57	4.4%	863	66.6%	214	16.5%
6.	Failed BEL	24	3.3%	10	1.4%	119	16.6%	454	63.2%	111	15.5%

<sup>7</sup> 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 and subsequently requesting further Re-Review, which resulted in the removal of the claims associated with these new Re-Review requests from this Report.

<b>Table 3. Re-Reviews.</b>											
<b>B. Re-Review Notices Issued</b>											
	Claim Type	Outcome of Re-Review Notice <sup>8</sup>									
		Compensation Amount for Eligible Claims						Exclusions/Denials			
								Confirmed		Overturned	
		#	%	#	%	#	%	#	%	#	%
<b>7.</b>	<b>Coastal RP</b>	66	5.2%	6	0.5%	158	12.5%	980	77.3%	58	4.6%
<b>8.</b>	<b>Wetlands RP</b>	134	2.8%	855	18.1%	456	9.7%	3,165	67.1%	106	2.2%
<b>9.</b>	<b>RPS</b>	1	0.7%	0	0.0%	3	2.2%	94	69.6%	37	27.4%
<b>10.</b>	<b>Subsistence</b>	7,750	54.2%	884	6.2%	2,389	16.7%	1,669	11.7%	1,599	11.2%
<b>11.</b>	<b>VoO</b>	7	10.0%	5	7.1%	18	25.7%	35	50.0%	5	7.1%
<b>12.</b>	<b>VPD</b>	23	42.6%	3	5.6%	13	24.1%	14	25.9%	1	1.9%
<b>13.</b>	<b>TOTAL</b>	<b>14,054</b>	<b>35.7%</b>	<b>2,447</b>	<b>6.2%</b>	<b>5,651</b>	<b>14.4%</b>	<b>13,252</b>	<b>33.7%</b>	<b>3,918</b>	<b>10.0%</b>

## 2. Reconsideration Reviews and Outcomes.

To date, there have been 404,871 Eligibility, Denial, or Incompleteness Denial Notices issued from which claimants can or could seek Reconsideration. Of those, the window to seek Reconsideration has passed or Reconsideration has been requested for 404,321. Of those, claimants have requested Reconsideration of 69,643 claims. Thus, the rate of Reconsideration from all final determinations is 17.2%. The rate of Reconsideration from Eligibility Notices is 7.3%, while the rate of Reconsideration from Denial or Incompleteness Denial Notices is 27.2%.

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.

<sup>8</sup> 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 and subsequently requesting further Re-Review, which resulted in the removal of the claims associated with these new Re-Review requests from this Report.



**Table 4. Reconsideration.**

<b>A. Reconsideration Requests and Reviews</b>											
	Claim Type	Requests Received To Date	Notice Issued or Claims Closed	Claims Remaining to Receive Notice or Claims Closed <sup>9</sup>							
				#	%						
1.	Seafood	4,422	4,422	0	0.0%						
2.	IEL	9,759	9,714	45	0.5%						
3.	IPV/FV	57	57	0	0.0%						
4.	BEL	27,019	26,761	258	1.0%						
5.	Start-Up BEL	2,506	2,475	31	1.2%						
6.	Failed BEL	1,664	1,654	10	0.6%						
7.	Coastal RP	2,399	2,399	0	0.0%						
8.	Wetlands RP	2,537	2,533	4	0.2%						
9.	RPS	266	266	0	0.0%						
10.	Subsistence	18,006	17,987	19	0.1%						
11.	VoO	691	691	0	0.0%						
12.	VPD	317	317	0	0.0%						
13.	<b>TOTAL</b>	<b>69,643</b>	<b>69,276</b>	<b>367</b>	<b>0.5%</b>						
<b>B. Reconsideration Notices Issued</b>											
	Claim Type	Outcome of Reconsideration Notice <sup>10</sup>									
		Compensation Amount for Eligible Claims						Exclusions/Denials			
								Confirmed		Overturned	
		#	%	#	%	#	%	#	%	#	%
1.	Seafood	813	18.4%	181	4.1%	569	12.9%	2,251	50.9%	608	13.7%
2.	IEL	295	3.0%	86	0.9%	830	8.5%	6,093	62.7%	2,410	24.8%
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	55	96.5%	2	3.5%
4.	BEL	1,339	5.0%	308	1.2%	1,739	6.5%	13,106	49.0%	10,269	38.4%
5.	Start-Up BEL	43	1.7%	11	0.4%	89	3.6%	1,724	69.7%	608	24.6%
6.	Failed BEL	13	0.8%	19	1.1%	137	8.3%	1,232	74.5%	253	15.3%
7.	Coastal RP	97	4.0%	21	0.9%	468	19.5%	1,467	61.2%	346	14.4%
8.	Wetlands RP	126	5.0%	31	1.2%	397	15.7%	1,786	70.5%	193	7.6%
9.	RPS	1	0.4%	0	0.0%	4	1.5%	233	87.6%	28	10.5%
10.	Subsistence	3,412	19.0%	383	2.1%	2,567	14.3%	6,161	34.3%	5,464	30.4%
11.	VoO	59	8.5%	4	0.6%	128	18.5%	425	61.5%	75	10.9%
12.	VPD	52	16.4%	2	0.6%	21	6.6%	156	49.2%	86	27.1%
13.	<b>TOTAL</b>	<b>6,250</b>	<b>9.0%</b>	<b>1,046</b>	<b>1.5%</b>	<b>6,949</b>	<b>10.0%</b>	<b>34,689</b>	<b>50.1%</b>	<b>20,342</b>	<b>29.4%</b>

<sup>9</sup> "Claims Remaining to Receive Notice or Claims Closed" contains claims which are on processing holds for various policy reasons and cannot be processed at this time.

<sup>10</sup> 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.

### 3. Appeals.

#### (a) BP Appeals.

To date, the CAO has issued 47,246 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 47,146 Notices. Of those 47,146 Notices, BP has filed 11,060 appeals, a 23.6% appeal rate. Table 5 provides summary information on the status of BP appeals.

<b>Table 5. Status of BP Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>BP Appeals Filed</b>	<b>10,314</b>	<b>746</b>	<b>11,060</b>
<b>2.</b>	<b>Resolved Appeals</b>	<b>9,447</b>	<b>606</b>	<b>10,053</b>
(a).	Resolved by Panel Decision	3,771	258	4,029
(b).	Resolved by Parties	1,756	198	1,954
(c).	Remand to Claims Administrator	549	35	584
(d).	Discretionary Court Review Granted	161	42	203
(e).	Administratively Closed	737	0	737
(f).	Withdrawn	531	17	548
(g).	Inactive Under Reconsideration/Re-Review	497	56	553
(h).	Return for Review Under Policy 495	1,445	0	1,445
<b>B. Pending Appeals</b>				
<b>1.</b>	<b>In "Baseball" Process</b>		<b>414</b>	
<b>2.</b>	<b>Submitted to Panel</b>		<b>257</b>	
<b>3.</b>	<b>Under Discretionary Court Review</b>		<b>336</b>	
<b>4.</b>	<b>TOTAL PENDING</b>		<b>1,007</b>	

#### (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 31,206 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 30,832 Notices. Of those 30,832 Notices, claimants have filed 7,841 appeals, a 25.4% appeal rate. Of the 7,841 claimant

appeals, 5,944 are appeals of Post-Reconsideration Denial Notices, while 1,897 are appeals of Post-Reconsideration Eligibility Notices. Table 6 provides summary information on the status of Claimant Appeals.

<b>Table 6. Status of Claimant Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Claimant Appeals Filed</b>	<b>7,402</b>	<b>439</b>	<b>7,841</b>
<b>2.</b>	<b>Resolved Appeals</b>	<b>6,384</b>	<b>568</b>	<b>6,952</b>
(a).	Resolved by Panel Decision	3,782	440	4,222
(b).	Resolved by Parties	152	1	153
(c).	Remand to Claims Administrator	1,010	65	1,075
(d).	Discretionary Court Review Granted	302	51	353
(e).	Administratively Closed	713	4	717
(f).	Withdrawn	335	7	342
(g).	Return for Review Under Policy 495	90	0	90
<b>B. Pending Appeals</b>				
<b>1.</b>	<b>In “Baseball” Process</b>		<b>94</b>	
<b>2.</b>	<b>In “Non-Baseball” Process</b>		<b>196</b>	
<b>3.</b>	<b>Submitted to Panel</b>		<b>216</b>	
<b>4.</b>	<b>Under Discretionary Court Review</b>		<b>383</b>	
<b>5.</b>	<b>TOTAL PENDING</b>		<b>889</b>	

**(c) Resolved Appeals.**

As reported in the table below, 17,005 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.**

<b>Table 7. Outcome After Appeal.</b>													
<b>Claim Type</b>		<b>Appeals Settled or Decided by Panel</b>						<b>DR Grant</b>	<b>With-drawn</b>	<b>Admin. Closed</b>	<b>Inactive Under Recon./Re-Review</b>	<b>Return for Review Under Policy 495</b>	<b>Total</b>
		<b>Compensation Amount Following Appeal Compared to That of Original Notice</b>											
		<b>Higher</b>	<b>Lower</b>	<b>Same</b>	<b>Denial Upheld</b>	<b>Denial Over-turned</b>	<b>Remand</b>						
<b>1.</b>	<b>Seafood</b>	91	23	185	64	10	27	6	55	45	9	0	<b>515</b>
<b>2.</b>	<b>IEL</b>	31	84	211	223	35	91	15	25	44	13	0	<b>772</b>
<b>3.</b>	<b>IPV/FV</b>	0	0	0	2	1	0	0	0	1	0	0	<b>4</b>
<b>4.</b>	<b>BEL</b>	252	2,104	3,604	1,723	271	1,109	442	554	1,284	514	1,535	<b>13,392</b>
<b>5.</b>	<b>Coastal RP</b>	48	1	39	202	9	7	5	8	11	0	0	<b>330</b>
<b>6.</b>	<b>Wetlands RP</b>	13	11	37	180	7	17	80	59	16	16	0	<b>436</b>
<b>7.</b>	<b>RPS</b>	0	8	27	44	0	1	4	5	2	0	0	<b>91</b>
<b>8.</b>	<b>Subsistence</b>	17	5	126	290	98	387	4	148	39	1	0	<b>1,115</b>
<b>9.</b>	<b>VoO</b>	18	33	50	69	21	7	0	28	4	0	0	<b>230</b>
<b>10.</b>	<b>VPD</b>	2	30	35	24	0	13	0	8	8	0	0	<b>120</b>
<b>11.</b>	<b>TOTAL</b>	<b>472</b>	<b>2,299</b>	<b>4,314</b>	<b>2,821</b>	<b>452</b>	<b>1,659</b>	<b>556</b>	<b>890</b>	<b>1,454</b>	<b>553</b>	<b>1,535</b>	<b>17,005</b>

**(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 15,659 Post-Reconsideration Incompleteness Denial Notices. Of those, the claimant's appeal deadline has passed or an appeal has been filed for 15,641 Notices. Of the 15,641 Notices eligible for appeal, 9,568 (61%) appeal requests have been filed. Table 8 provides summary information on the status of Incompleteness Appeals.

<b>Table 8. Incompleteness Appeals.</b>				
<b>A. Incompleteness Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Incompleteness Appeals Filed</b>	<b>9,473</b>	<b>95</b>	<b>9,568</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>9,264</b>	<b>153</b>	<b>9,417</b>
(a).	Withdrawn/Closed Claims	595	5	600
(b).	Cured	4,051	94	4,145
(c).	Incompleteness Denial Affirmed	3,852	44	3,896
(d).	Incompleteness Denial Overturned	766	10	776
<b>B. Pending Incompleteness Appeals</b>				
<b>3.</b>	<b>In Pre-Documentation Reviewer Process<sup>11</sup></b>		<b>137</b>	
<b>4.</b>	<b>Currently Before Documentation Reviewer</b>		<b>14</b>	
<b>5.</b>	<b>TOTAL PENDING</b>		<b>151</b>	

**(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

<sup>11</sup> "In Pre-Documentation Reviewer Process" contains 68 claims which represent additional facilities associated with the headquarters claim of a Consolidated Multi-Facility Business Economic Loss claim and are therefore on hold until that headquarters claim has completed the review process. These 68 claims therefore do not require any additional review or processing.

review requests and rulings, and the creation of appeal records. Claimants primarily have taken appeals to the Fifth Circuit, which appeals are in various stages of the appellate process.

**E. Seafood Supplemental and Residual 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 December 31, 2017, the Settlement Program has issued 5,109 Seafood Supplemental Distribution Round One Eligibility Notices for a total value of \$504,922,937. The Seafood Supplemental Distribution Round One Notices are included in the report where appropriate. As of December 31, 2017, the Settlement Program has issued Supplemental Distribution Round One payments of \$504,715,741 to 4,588 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 December 31, 2017, the Settlement Program has issued 620 Seafood Supplemental Distribution Round Two Eligibility Notices for a total value of \$33,937,839. The Seafood Supplemental Distribution Round Two

Notices are included in the report where appropriate. As of December 31, 2017, the Settlement Program has issued Supplemental Distribution Round Two payments of \$33,933,133 to 545 claimants.

On October 4, 2016, the Claims Administrator began issuing Seafood Residual Distribution Notices allocating the remaining Seafood Compensation Program Settlement Fund. As of December 31, 2017, the Settlement Program has issued 5,501 Seafood Residual Distribution Notices for a total value of \$521,648,710. The Seafood Residual Distribution Notices are included in the report where appropriate. As of December 31, 2017, the Settlement Program has issued Residual Distribution payments of \$521,392,087 to 5,043 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 January, 2018.

/s/ Patrick Juneau  
PATRICK A. JUNEAU  
CLAIMS ADMINISTRATOR



**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.

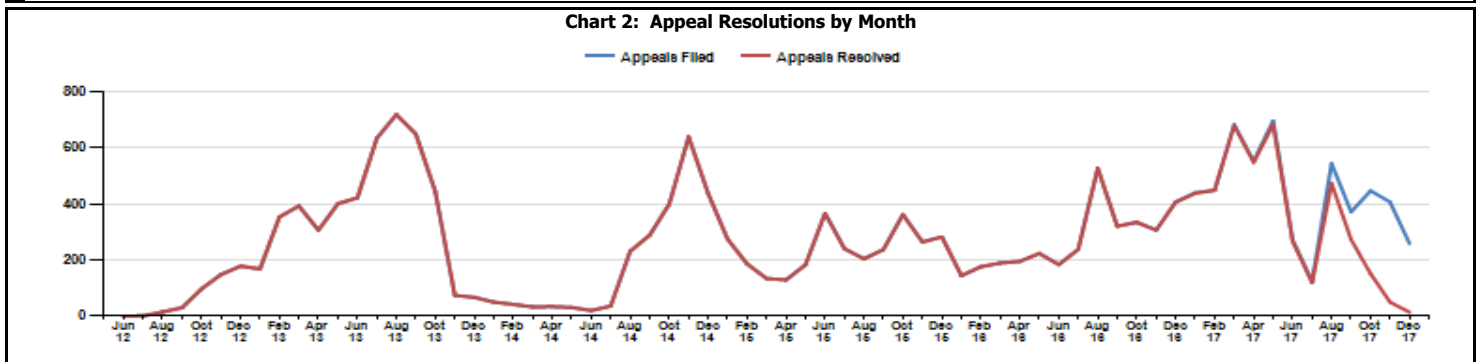
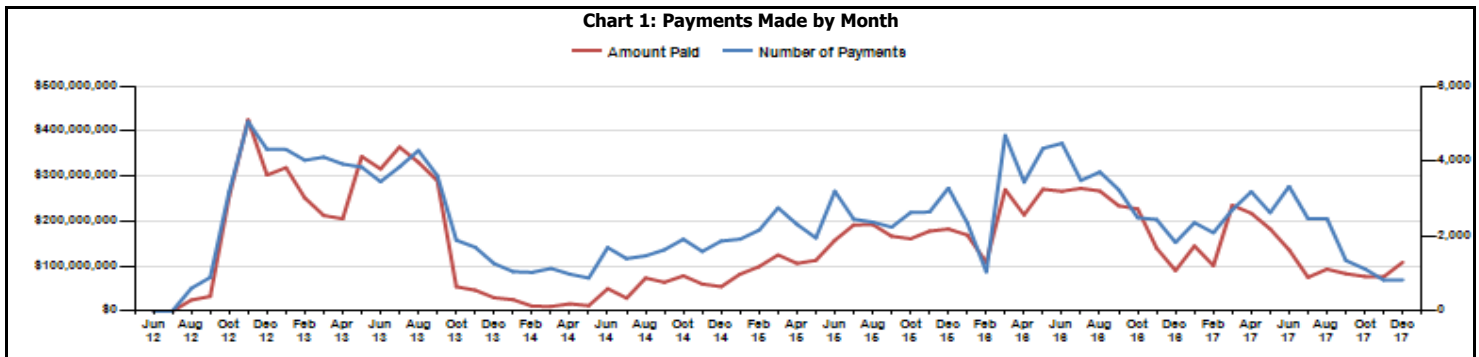
Table 1	Filings by State of Residence			
	State	Claims		Unique Claimants with Forms Submitted
		Form Submitted	%	
1.	Alabama	63,602	16.3%	46,970
2.	Florida	105,916	27.1%	76,596
3.	Louisiana	122,766	31.4%	76,232
4.	Mississippi	45,359	11.6%	35,465
5.	Texas	19,885	5.1%	11,265
6.	Other	33,046	8.5%	15,176
7.	<b>Total</b>	<b>390,574</b>	<b>100.0%</b>	<b>261,703</b>

Table 2	Number of Claims by Claim Type			
	Claim Type	Claims		Unique Claimants with Form Submitted
		Form Submitted	%	
1.	Seafood Compensation Program	24,959	6.4%	10,544
2.	Individual Economic Loss	60,810	15.6%	58,609
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	390	0.1%	384
4.	Business Economic Loss	135,552	34.7%	93,724
5.	Start-Up Business Economic Loss	7,935	2.0%	6,280
6.	Failed Business Economic Loss	5,912	1.5%	4,931
7.	Coastal Real Property	42,233	10.8%	28,657
8.	Wetlands Real Property	31,328	8.0%	4,514
9.	Real Property Sales	3,069	0.8%	1,610
10.	Subsistence	67,862	17.4%	67,320
11.	VoO Charter Payment	8,960	2.3%	6,290
12.	Vessel Physical Damage	1,564	0.4%	1,309
13.	<b>Total</b>	<b>390,574</b>	<b>100.0%</b>	<b>261,703</b>

Notices Issued													
Table 3	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	18,994	2,685	29	52	2,415	0	1,209	4,625	1,155	3,259	2,104	<b>36,527</b>
2.	Individual Economic Loss	8,967	2,145	120	3,549	2,507	122	4,682	31,810	749	5,104	3,126	<b>62,881</b>
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	10	0	0	10	28	0	83	192	3	102	45	<b>473</b>
4.	Business Economic Loss	52,948	1,915	512	1,316	889	8,931	4,929	21,621	943	23,826	18,073	<b>135,903</b>
5.	Start-Up Business Economic Loss	1,570	81	47	65	56	998	1,162	2,140	111	931	843	<b>8,004</b>
6.	Failed Business Economic Loss	257	285	17	86	142	541	1,660	1,703	104	401	771	<b>5,967</b>
7.	Coastal Real Property	29,721	69	3	14	957	0	5,836	1,698	376	1,185	2,560	<b>42,419</b>
8.	Wetlands Real Property	15,434	18	0	43	95	0	9,561	207	92	1,759	4,088	<b>31,297</b>
9.	Real Property Sales	863	7	0	11	88	37	684	103	20	1,123	177	<b>3,113</b>
10.	Subsistence	43,267	495	7	36	2,353	0	8,208	10,071	276	1,370	1,801	<b>67,884</b>
11.	VoO Charter Payment	7,123	16	1	16	0	0	608	792	91	83	178	<b>8,908</b>
12.	Vessel Physical Damage	845	28	1	7	0	0	173	285	19	82	120	<b>1,560</b>
13.	<b>Total</b>	<b>179,999</b>	<b>7,744</b>	<b>737</b>	<b>5,205</b>	<b>9,530</b>	<b>10,629</b>	<b>38,795</b>	<b>75,247</b>	<b>3,939</b>	<b>39,225</b>	<b>33,886</b>	<b>404,936</b>

Payment Information								
Table 4	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	18,994	\$2,238,810,189	18,986	\$2,238,482,665	18,955	\$2,234,550,075	5,383
2.	Individual Economic Loss	8,967	\$132,121,051	8,654	\$127,783,541	8,538	\$123,399,461	8,538
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	10	\$93,497	10	\$93,497	10	\$93,497	10
4.	Business Economic Loss	52,948	\$10,173,157,493	51,765	\$8,672,124,190	50,803	\$7,306,431,413	45,595
5.	Start-Up Business Economic Loss	1,570	\$276,049,741	1,507	\$227,601,319	1,466	\$200,978,400	1,378
6.	Failed Business Economic Loss	257	\$41,159,500	237	\$31,585,083	214	\$24,091,097	212
7.	Coastal Real Property	29,721	\$162,896,054	29,434	\$162,124,381	29,287	\$161,645,335	22,937
8.	Wetlands Real Property	15,434	\$279,091,533	14,451	\$267,654,993	14,145	\$265,461,946	2,944
9.	Real Property Sales	863	\$40,460,619	861	\$40,460,446	861	\$40,460,446	763
10.	Subsistence	43,267	\$531,016,678	42,355	\$524,443,915	41,879	\$518,974,204	41,879
11.	VoO Charter Payment	7,123	\$283,283,869	7,118	\$283,227,769	7,113	\$283,077,769	5,407
12.	Vessel Physical Damage	845	\$12,901,266	844	\$12,879,510	844	\$12,879,510	776
13.	<b>Totals on DWH Releases</b>	<b>179,999</b>	<b>\$14,171,041,491</b>	<b>176,222</b>	<b>\$12,588,461,309</b>	<b>174,115</b>	<b>\$11,172,043,152</b>	<b>129,091</b>
14.	<b>40% Request</b>					<b>3,528</b>	<b>\$60,315,257</b>	<b>3,528</b>
15.	<b>6% Refund</b>					<b>3,011</b>	<b>\$7,962,317</b>	<b>2,546</b>
16.	<b>Total Payments</b>					<b>180,654</b>	<b>\$11,240,320,726</b>	<b>133,632</b>

Table 5	Appeals Received			
	Resolved Appeals			
	Appeal Status	BP Appeals	Claimant Appeals	Total Appeals
1.	Resolved by Panel Decision	4,033	4,226	8,259
2.	Discretionary Court Review Granted	203	353	556
3.	Resolved by Parties	1,955	153	2,108
4.	Withdrawn	548	342	890
5.	Administratively Closed	735	713	1,448
6.	Inactive Under Reconsideration/Re-Review	553	0	553
7.	Remand to Claims Administrator	583	1,075	1,658
8.	Return for Review Under Policy 495	1,445	90	1,535
9.	<b>Total</b>	<b>10,055</b>	<b>6,952</b>	<b>17,007</b>
Pending Appeals				
10.	In "Baseball" Process	413	93	506
11.	In "Non-Baseball" Process	0	194	194
12.	Submitted to Panel	257	216	473
13.	Under Discretionary Court Review	336	384	720
14.	<b>Total</b>	<b>1,006</b>	<b>887</b>	<b>1,893</b>
Grand Total				
15.		<b>11,061</b>	<b>7,839</b>	<b>18,900</b>



**Legend:**

1. Form Submitted – Includes electronically file 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.
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 3,610 Notices of Withdrawal, Closure, and Denial which had 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.