



DEEPWATER HORIZON
CLAIMS CENTER
ECONOMIC & PROPERTY DAMAGE CLAIMS

f

**RULES GOVERNING THE
SEAFOOD SUPPLEMENTAL
DISTRIBUTION CALCULATION
OBJECTION PROCESS**

**EFFECTIVE
DECEMBER 19, 2014**



Background: The Deepwater Horizon Economic and Property Damages Settlement Agreement, as amended on May 2, 2012 (the “Settlement Agreement”), called for BP to finance a \$2.3 billion Seafood Compensation Program Settlement Fund (the “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 (the “Seafood Neutrals”) recommend a different formula. On September 19, 2014, the Seafood Neutrals submitted to the Court their Recommendations for the Seafood Compensation Program Supplemental Distribution (the “Recommendations”). The Seafood Neutrals recommended that if a claimant or BP disagrees with a claimant’s award in Round Two, the challenge must be limited to whether the formulas described in Sections II (A) and III (F) of the Recommendations were properly implemented with respect to the individual claim at issue. The Seafood Neutrals also recommended that the Claims Administrator have the discretion and authority to promulgate procedural and evidentiary rules as well as limit and define appellate rights. On November 18, 2014, the Court approved the Seafood Neutrals’ Recommendations in full.

Rules:

Rule 1. Purpose of these Rules. Pursuant to the Seafood Neutrals’ Recommendations, these Rules establish and govern the process by which individual claimants and BP may exercise their right to challenge the Settlement Program’s implementation of the Seafood Supplemental Distribution formula to calculate a Claimant Seafood Supplemental Distribution Award Amount.

Rule 2. Definition. A challenge made to an individual claim under the Seafood Supplemental Distribution shall be known as a calculation objection (an “Objection”).

Rule 3. Amendments to these Rules. Pursuant to the Seafood Neutrals’ Recommendations, the Claims Administrator may amend these Rules as necessary to implement the Seafood Supplemental Distribution.

Rule 4. Calculation Objection Coordinator. The Claims Administrator has appointed Patrick Hron as the Calculation Objection Coordinator to oversee the Objection process. All communications with respect to the Seafood Supplemental Distribution shall be sent to the Calculation Objection Coordinator, either by memorandum or by e-mail to ssdcalculationobjections@dheclaims.com

Rule 5. Time and Dates of Submission.

(a) The individual claimant and BP shall each have the right to object to the calculation of a Claimant Seafood Supplemental Distribution Award Amount within 30 days of the date an eligible Seafood Supplemental Distribution Determination Notice is provided to the individual claimant and BP.

(b) The claimant will not receive payment until the timeframe to file an Objection expires or an Objection is adjudicated.

(c) If the Objection deadline falls on a Saturday, Sunday, or a holiday, the deadline is extended to the next business day. Holidays include New Year's Day, Martin Luther King, Jr.'s Birthday, President's Day, Memorial Day, Independence Day (July 3, 2015), Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Eve and Day, New Year's Eve, and any other day so designated by the Office of the Claims Administrator.

(d) Any document submitted on the DWH Portal or by email shall be considered submitted on the date uploaded or emailed at the local time of the submitting party. Documents submitted by mail shall be considered submitted on the postmark date. Documents submitted by overnight delivery shall be considered submitted on the date delivered to the overnight carrier service. Documents submitted by personal delivery shall be considered submitted on the date of delivery.

Rule 6. Calculation Objection Limited Basis. An Objection from either party shall be limited to the implementation of the Seafood Supplemental Distribution formula described in Seafood Neutrals' Recommendations.

(a) Neither the claimant nor BP may object to the outcome(s) of the underlying Seafood Claim(s) within its Objection to the implementation of the Seafood Supplemental Distribution formula.

(b) Underlying individual claim review outcomes are final. Any Objection not limited to the implementation of the Seafood Supplemental Distribution formula will not be considered.

Rule 7. Consolidated Objection for Each Eligible Claimant. When BP or an individual claimant submits an Objection, the objector shall raise any and all issues related to the implementation of the Seafood Supplemental Distribution formula in calculating the Claimant Seafood Supplemental Distribution Award Amount within the same Objection and may not initiate separate Objections for each claim comprising the basis for the Seafood Supplemental Distribution Award Amount. The Objection review shall be limited to the issues related to the implementation of the Seafood Supplemental Distribution formula raised in the Objection.

Rule 8. Objections by Claimants. Claimants have two means by which to exercise their right to challenge the Settlement Program's implementation of the Seafood Supplemental Distribution formula to calculate their Claimant Seafood Supplemental Distribution Award Amount.

(a) The claimant may submit an Objection by submitting a Seafood Supplemental Distribution Notice Objection Form (an "Objection Form").

(b) The claimant may also exercise its right to submit an Objection on the DWH Portal on or before the deadline identified on the Seafood Supplemental Distribution Determination Notice.

(c) The claimant shall present a concisely stated explanation and calculation as to why it contends that the implementation of the Seafood Supplemental Distribution formula was incorrect, challenging the assigned value for the sum of the gross compensation amounts for all of the individual claimant's eligible Seafood Claims ("g" value), or disputing the amount of remaining prior payment offsets that have not yet been deducted from the claimant's eligible Seafood Claims ("n" value).

Rule 9. Objections by BP. BP may object to a Claimant Seafood Supplemental Distribution Award Amount by providing to the Claims Administrator timely notification of BP's Objection along with the following information:

(a) Claimant Name and Claimant ID.

(b) BP shall present a concisely stated explanation and calculation as to why it contends that the implementation of the Seafood Supplemental Distribution formula was incorrect, challenging the assigned value for the sum of the gross compensation amounts for all of the claimant's eligible Seafood Claims ("g" value), or disputing the amount of remaining prior payment offsets that have not yet been deducted from the claimant's eligible Seafood Claims ("n" value).

(c) If BP submits an Objection to the calculation of a Claimant Seafood Supplemental Distribution Award Amount, the individual claimant will be notified by a separate notification explaining the Objection process and timeline.

Rule 10. Parties to the Objection. BP and the individual claimant shall be the parties to an Objection. The Claims Administrator shall not be considered a party to the Objection.

Rule 11. Objection Process. Following an Objection by either the individual claimant or BP, one or more independent third parties appointed by the Claims Administrator (each an "Objection Reviewer") will evaluate only the implementation of the Seafood Supplemental Distribution formula to the Seafood Compensation Program values.

(a) The Claims Administrator will not issue payment for the Claimant Seafood Supplemental Distribution Award Amount while an Objection is still under review.

(b) Because the Objection right is limited, the Objection Reviewer will not consider any information, documentation, or other materials submitted in response to an Objection by the opposing party.

(c) The Claims Administrator will issue a Post-Objection Seafood Supplemental Distribution Determination Notice ("Post-Objection Notice") upon finalization of the Objection review.

(d) The implementation of the Seafood Supplemental Distribution formula in the Post-Objection Notice is final. Neither party will have a right to seek reconsideration, re-review, discretionary review by the Court or appeal from the Post-Objection Notice.

(e) Once the Post-Objection Notice is issued, the Claimant Seafood Supplemental Distribution Award will progress through the payment process at the amount determined in the Objection review, if any.

Rule 12. Objection Review Standards. The Objection Reviewer will evaluate only the implementation of the Seafood Supplemental Distribution formula to the Seafood Compensation Program values. The Objection Reviewer may consult with the Calculation Objection Coordinator or his designee to facilitate the independent review. Nothing shall prevent the Objection Reviewer from reviewing the work of or consulting with the Claims Administrator to understand the calculation of the formula or the assignment of values.