



**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**

**FINAL<sup>1</sup> REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER  
HORIZON ECONOMIC AND PROPERTY DAMAGES SETTLEMENT  
AGREEMENT ON THE STATUS OF CLAIMS REVIEW**

<b>STATUS REPORT NO.</b>	<b>59</b>	<b>DATE</b>	<b>JULY 31, 2018</b>
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<sup>1</sup> Status Reports such as this one were originally provided monthly, and thereafter quarterly as the claims process wound down. The number of remaining claims being processed under the supervision and direction of the Claims Administrator is now very minimal, such that any changes in the statistics that would be reflected in any further Status Reports would be *de minimis*. Accordingly, the Claims Administrator has concluded that the time and expense required to generate further Status reports is no longer justified or would no longer be cost-effective given the fractional changes that would be reflected going forward. As a result, after consultation with, and with the approval by, the Court, the Claims Administrator has determined and provides this notification that unless or until directed or requested otherwise by the Court, this shall be the final Status Report to be presented.

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**FINAL REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER  
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ON THE STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO. 59, DATED JULY 31, 2018**

The Claims Administrator of the Deepwater Horizon Economic and Property Settlement Agreement (Settlement Agreement) submits this Final Report to inform the Court of the status of the implementation of the Settlement Agreement as of June 30, 2018. 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 June 30, 2018, the Claims Administrator’s Office and Vendors (CAO)<sup>2</sup> have received 390,783 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>3</sup>

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<sup>2</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>3</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 38.2% 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>4</sup>		Reviews Completed to Notice or Closed				Claims Remaining to Review <sup>5</sup>					
1.	Seafood	24,959		24,959		100.0%		0		0.0%			
2.	IEL	60,816		60,815		99.9%		1		<0.1%			
3.	IPV/FV	390		390		100.0%		0		0.0%			
4.	BEL	135,569		135,511		99.9%		58		<0.1%			
5.	Start-Up BEL	7,931		7,930		99.9%		1		<0.1%			
6.	Failed BEL	5,915		5,914		99.9%		1		<0.1%			
7.	Coastal RP	42,234		42,234		100.0%		0		0.0%			
8.	Wetlands RP	31,512		31,512		100.0%		0		0.0%			
9.	RPS	3,069		3,069		100.0%		0		0.0%			
10.	Subsistence	67,864		67,863		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>390,783</b>		<b>390,721</b>		<b>99.9%</b>		<b>62</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	6,035	0	0.0%	2,947	2,947	0	0.0%	4,421	4,421	0	0.0%
2.	IEL	20,193	20,186	7	0.0%	11,741	11,734	7	0.1%	9,772	9,765	7	0.1%
3.	IPV/FV	116	116	0	0.0%	47	47	0	0.0%	57	57	0	0.0%
4.	BEL	60,282	59,711	571	0.9%	34,928	34,675	253	0.7%	27,089	26,986	103	0.4%
5.	Start-Up BEL	3,897	3,863	34	0.9%	2,676	2,654	22	0.8%	2,517	2,507	10	0.4%
6.	Failed BEL	1,900	1,887	13	0.7%	1,445	1,423	22	1.5%	1,675	1,666	9	0.5%
7.	Coastal RP	6,358	6,358	0	0.0%	1,911	1,911	0	0.0%	2,400	2,400	0	0.0%
8.	Wetlands RP	1,286	1,286	0	0.0%	310	310	0	0.0%	2,564	2,561	3	0.1%
9.	RPS	371	371	0	0.0%	139	139	0	0.0%	266	266	0	0.0%
10.	Subsistence	21,861	21,860	1	0.0%	12,131	12,130	1	0.0%	18,012	18,011	1	0.0%
11.	VoO	1,009	1,009	0	0.0%	447	447	0	0.0%	691	691	0	0.0%
12.	VPD	822	822	0	0.0%	393	393	0	0.0%	317	317	0	0.0%
13.	<b>TOTAL</b>	<b>124,130</b>	<b>123,504</b>	<b>626</b>	<b>0.5%</b>	<b>69,115</b>	<b>68,810</b>	<b>305</b>	<b>0.4%</b>	<b>69,781</b>	<b>69,648</b>	<b>133</b>	<b>0.2%</b>

<sup>4</sup> The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.

<sup>5</sup> "Claims Remaining to Review" contains claims which are on processing holds for various policy reasons and cannot be processed at this time.

## 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>6</sup>	Total to Date				
1.	<b>BEL</b>	40	43,224	22	5,626	62	48,850	\$246,902.18	\$63,726,338.93
2.	<b>IEL</b>	2	4,430	0	875	2	5,305	\$1,219.32	\$653,216.22
3.	<b>Seafood</b>	0	3,986	0	879	0	4,865	\$0.00	\$1,651,418.31
4.	<b>TOTAL</b>	<b>42</b>	<b>51,640</b>	<b>22</b>	<b>7,380</b>	<b>64</b>	<b>59,020</b>	<b>\$248,121.50</b>	<b>\$66,030,973.46</b>

## C. Claim Notices and Payments<sup>7</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 June 30, 2018, the CAO has issued 178,048 Eligibility Notices to

<sup>6</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>7</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. Changes in Notice counts are generally attributable to the approval and implementation of Court Approved Procedure #5 establishing the procedure for the Claims Administrator to resolve Facially Payable Claims, Unresolved Third Party Claim Disputes, and Claims Subject to Bankruptcy (Rec. Doc. 23570).

unique claims with Payment Offers totaling \$12.2 billion. As of that date, the CAO has made payments on 184,097 claims totaling \$11.6 billion.

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

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

To date, there have been 227,279 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 227,262. Of those, claimants have requested Re-Review of 39,401 claims. Thus, the rate of Re-Review from all final determinations is 17.3%. The rate of Re-Review from Eligibility Notices is 14.0%, while the rate of Re-Review from Denial Notices is 25.5%.

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.

<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	1,737	1,737	0	0.0%
3.	IPV/FV	14	14	0	0.0%
4.	BEL	14,156	14,134	22	0.2%
5.	Start-Up BEL	1,300	1,298	2	0.2%
6.	Failed BEL	722	720	2	0.3%
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	14,294	0	0.0%
11.	VoO	70	70	0	0.0%
12.	VPD	54	54	0	0.0%
13.	<b>TOTAL</b>	<b>39,401</b>	<b>39,375</b>	<b>26</b>	<b>0.1%</b>

<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	
		#	%	#	%	#	%	#	%	#	%
1.	Seafood	476	50.9%	54	5.8%	266	28.4%	108	11.6%	31	3.3%
2.	IEL	501	28.8%	70	4.0%	566	32.6%	533	30.7%	67	3.9%
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	13	92.9%	1	7.1%
4.	BEL	5,000	35.4%	559	4.0%	1,581	11.2%	5,321	37.6%	1,673	11.8%
5.	Start-Up BEL	147	11.3%	15	1.2%	57	4.4%	866	66.7%	213	16.4%
6.	Failed BEL	24	3.3%	10	1.4%	120	16.7%	454	63.1%	112	15.6%
7.	Coastal RP	66	5.2%	6	0.5%	158	12.5%	980	77.3%	58	4.6%
8.	Wetlands RP	134	2.8%	855	18.1%	456	9.7%	3,165	67.1%	106	2.2%
9.	RPS	1	0.7%	0	0.0%	3	2.2%	94	69.6%	37	27.4%
10.	Subsistence	7,755	54.3%	883	6.2%	2,385	16.7%	1,671	11.7%	1,600	11.2%
11.	VoO	7	10.0%	5	7.1%	18	25.7%	35	50.0%	5	7.1%
12.	VPD	23	42.6%	3	5.6%	13	24.1%	14	25.9%	1	1.9%
13.	<b>TOTAL</b>	<b>14,134</b>	<b>35.9%</b>	<b>2,460</b>	<b>6.2%</b>	<b>5,623</b>	<b>14.3%</b>	<b>13,254</b>	<b>33.7%</b>	<b>3,904</b>	<b>9.9%</b>

## 2. Reconsideration Reviews and Outcomes.

To date, there have been 405,666 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 405,620. Of those, claimants have requested Reconsideration of 69,781 claims. Thus, the rate of Reconsideration from all final determinations is 17.2%. The rate of Reconsideration from Eligibility Notices is 7.4%, while the rate of Reconsideration from Denial or Incompleteness Denial Notices is 27.1%.

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

<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.

outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Reconsideration.

<b>Table 4. Reconsideration.</b>											
<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	4,421	4,421	0	0.0%						
2.	IEL	9,772	9,765	7	0.1%						
3.	IPV/FV	57	57	0	0.0%						
4.	BEL	27,089	26,986	103	0.4%						
5.	Start-Up BEL	2,517	2,507	10	0.4%						
6.	Failed BEL	1,675	1,666	9	0.5%						
7.	Coastal RP	2,400	2,400	0	0.0%						
8.	Wetlands RP	2,564	2,561	3	0.1%						
9.	RPS	266	266	0	0.0%						
10.	Subsistence	18,012	18,011	1	<0.1%						
11.	VoO	691	691	0	0.0%						
12.	VPD	317	317	0	0.0%						
13.	<b>TOTAL</b>	<b>69,781</b>	<b>69,648</b>	<b>133</b>	<b>0.2%</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%	2,250	50.9%	608	13.7%
2.	IEL	297	3.0%	86	0.9%	850	8.7%	6,127	62.7%	2,405	24.8%
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	55	96.5%	2	3.5%
4.	BEL	1,374	5.1%	311	1.2%	1,777	6.6%	13,231	49.0%	10,293	38.4%
5.	Start-Up BEL	45	1.8%	13	0.5%	92	3.7%	1,746	69.7%	611	24.6%
6.	Failed BEL	15	0.9%	19	1.1%	141	8.5%	1,240	74.5%	251	15.3%
7.	Coastal RP	97	4.0%	21	0.9%	469	19.5%	1,467	61.2%	346	14.4%
8.	Wetlands RP	136	5.3%	32	1.2%	415	16.2%	1,792	70.5%	186	7.6%
9.	RPS	1	0.4%	0	0.0%	4	1.5%	233	87.6%	28	10.5%
10.	Subsistence	3,422	19.0%	385	2.1%	2,573	14.3%	6,167	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>6,311</b>	<b>9.1%</b>	<b>1,054</b>	<b>1.5%</b>	<b>7,039</b>	<b>10.1%</b>	<b>34,889</b>	<b>50.1%</b>	<b>20,355</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 47,705 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 47,680 Notices. Of those 47,680 Notices, BP has filed 11,440 appeals, a 24.0% 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>11,349</b>	<b>91</b>	<b>11,440</b>
<b>2.</b>	<b>Resolved Appeals</b>	<b>10,422</b>	<b>963</b>	<b>11,385</b>
(a).	Resolved by Panel Decision	4,247	133	4,380
(b).	Resolved by Parties	2,044	4	2,048
(c).	Remand to Claims Administrator	609	-1	608
(d).	Discretionary Court Review Granted	215	5	220
(e).	Administratively Closed	738	814	1,552
(f).	Withdrawn	548	0	548
(g).	Inactive Under Reconsideration/Re-Review	576	8	584
(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>26</b>	
<b>2.</b>	<b>Submitted to Panel</b>		<b>10</b>	
<b>3.</b>	<b>Under Discretionary Court Review</b>		<b>19</b>	
<b>4.</b>	<b>TOTAL PENDING</b>		<b>55</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 32,333 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 32,326 Notices. Of those 32,326 Notices, claimants have filed 8,328 appeals, a 25.8% appeal rate. Of the 8,328 claimant

appeals, 6,324 are appeals of Post-Reconsideration Denial Notices, while 2,004 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>8,197</b>	<b>131</b>	<b>8,328</b>
<b>2.</b>	<b>Resolved Appeals</b>	<b>7,588</b>	<b>581</b>	<b>8,169</b>
(a).	Resolved by Panel Decision	4,722	342	5,064
(b).	Resolved by Parties	154	0	154
(c).	Remand to Claims Administrator	1,133	13	1,146
(d).	Discretionary Court Review Granted	393	32	425
(e).	Administratively Closed	738	191	929
(f).	Withdrawn	358	3	361
(g).	Return for Review Under Policy 495	90	0	90
<b>B. Pending Appeals</b>				
<b>1.</b>	<b>In “Baseball” Process</b>		<b>24</b>	
<b>2.</b>	<b>In “Non-Baseball” Process</b>		<b>29</b>	
<b>3.</b>	<b>Submitted to Panel</b>		<b>47</b>	
<b>4.</b>	<b>Under Discretionary Court Review</b>		<b>59</b>	
<b>5.</b>	<b>TOTAL PENDING</b>		<b>159</b>	

**(c) Resolved Appeals.**

As reported in the table below, 19,554 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	91	23	185	65	10	27	6	55	45	9	0	<b>516</b>
2.	IEL	32	93	239	235	39	94	16	29	49	13	0	<b>839</b>
3.	IPV/FV	0	0	0	2	1	0	0	0	1	0	0	<b>4</b>
4.	BEL	309	2,252	3,927	2,079	288	1,186	506	566	2,292	545	1,535	<b>15,485</b>
5.	Coastal RP	48	1	39	202	9	7	5	8	11	0	0	<b>330</b>
6.	Wetlands RP	16	12	60	208	8	25	103	59	16	16	0	<b>523</b>
7.	RPS	0	8	27	44	0	1	4	5	2	0	0	<b>91</b>
8.	Subsistence	18	4	161	523	104	396	5	151	53	1	0	<b>1,416</b>
9.	VoO	18	33	50	69	21	7	0	28	4	0	0	<b>230</b>
10.	VPD	2	30	35	24	0	13	0	8	8	0	0	<b>120</b>
11.	<b>TOTAL</b>	<b>534</b>	<b>2,456</b>	<b>4,723</b>	<b>3,451</b>	<b>480</b>	<b>1,756</b>	<b>645</b>	<b>909</b>	<b>2,481</b>	<b>584</b>	<b>1,535</b>	<b>19,554</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 15,711 Post-Reconsideration Incompleteness Denial Notices. Of those, the claimant's appeal deadline has passed or an appeal has been filed for 15,709 Notices. Of the 15,709 Notices eligible for appeal, 9,642 (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>9,635</b>	<b>7</b>	<b>9,642</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>9,494</b>	<b>84</b>	<b>9,578</b>
(a).	Withdrawn/Closed Claims	603	53	656
(b).	Cured	4,196	10	4,206
(c).	Incompleteness Denial Affirmed	3,917	14	3,931
(d).	Incompleteness Denial Overturned	778	7	785
<b>B. Pending Incompleteness Appeals</b>				
<b>3.</b>	<b>In Pre-Documentation Reviewer Process<sup>11</sup></b>		<b>63</b>	
<b>4.</b>	<b>Currently Before Documentation Reviewer</b>		<b>1</b>	
<b>5.</b>	<b>TOTAL PENDING</b>		<b>64</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 46 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 46 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 June 30, 2018, the Settlement Program has issued 5,108 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 June 30, 2018, the Settlement Program has issued Supplemental Distribution Round One payments of \$504,741,103 to 4,589 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 June 30, 2018, 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 June 30, 2018, the Settlement Program has issued Supplemental Distribution Round Two payments of \$33,933,543 to 546 claimants.

On October 4, 2016, the Claims Administrator began issuing Seafood Residual Distribution Notices allocating the remaining Seafood Compensation Program Settlement Fund. As of June 30, 2018, the Settlement Program has issued 5,499 Seafood Residual Distribution Notices for a total value of \$521,628,340. The Seafood Residual Distribution Notices are included in the report where appropriate. As of June 30, 2018, the Settlement Program has issued Residual Distribution payments of \$521,539,856 to 5,047 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 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 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 July, 2018.

/s/ Patrick A 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	63,567	16.3%	46,960
2.	Florida	105,914	27.1%	76,595
3.	Louisiana	122,936	31.5%	76,231
4.	Mississippi	45,375	11.6%	35,465
5.	Texas	19,916	5.1%	11,278
6.	Other	33,075	8.5%	15,198
7.	<b>Total</b>	<b>390,783</b>	<b>100.0%</b>	<b>261,727</b>

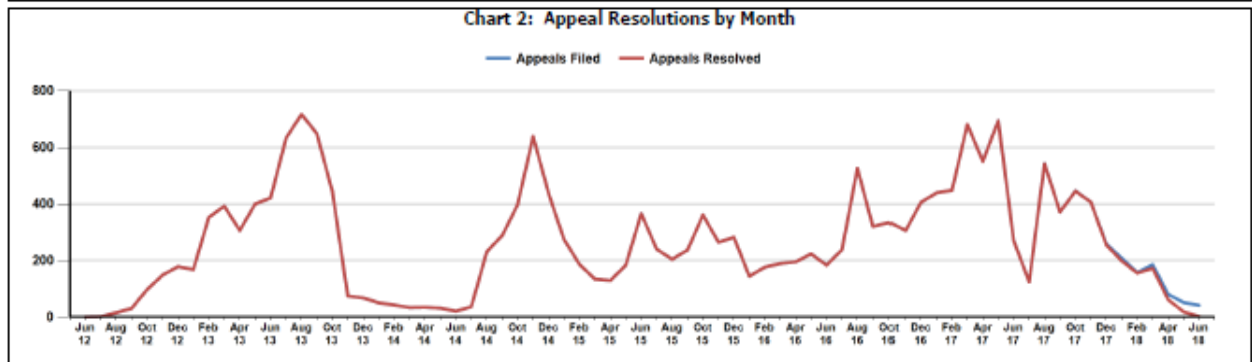
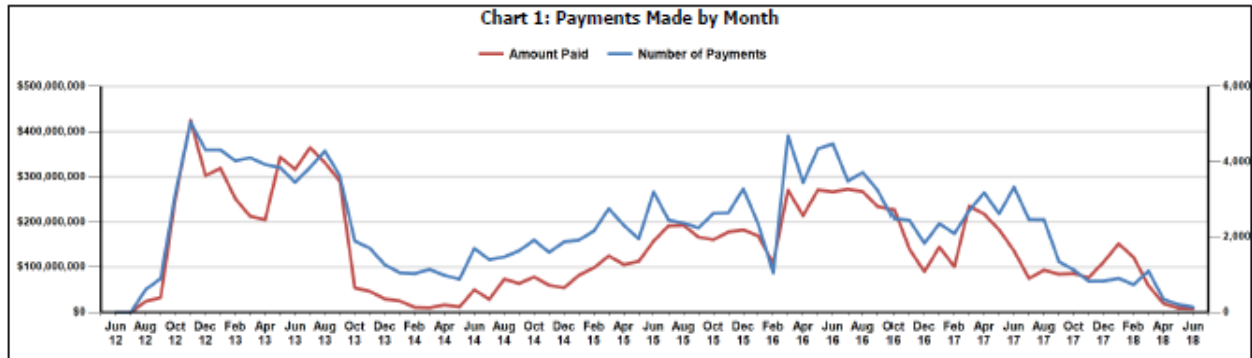
Table 2	Number of Claims by Claim Type			
	Claim Type	Claims		Unique Claimants with Form Submitted
		Form Submitted	%	
1.	Seafood Compensation Program	24,959	6.4%	10,544
2.	Individual Economic Loss	60,816	15.6%	58,615
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	390	0.1%	384
4.	Business Economic Loss	135,569	34.7%	93,741
5.	Start-Up Business Economic Loss	7,931	2.0%	6,276
6.	Failed Business Economic Loss	5,915	1.5%	4,935
7.	Coastal Real Property	42,234	10.8%	28,658
8.	Wetlands Real Property	31,512	8.1%	4,514
9.	Real Property Sales	3,069	0.8%	1,610
10.	Subsistence	67,864	17.4%	67,322
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>390,783</b>	<b>100.0%</b>	<b>261,727</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	18,991	2,682	0	52	2,415	0	1,208	4,624	1,164	3,259	2,132	36,527
2.	Individual Economic Loss	8,734	2,150	20	3,549	2,507	121	4,681	31,713	756	5,255	3,412	62,898
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	10	0	0	10	28	0	83	192	3	102	45	473
4.	Business Economic Loss	52,123	1,825	55	1,304	889	8,662	4,919	21,428	959	25,517	18,348	136,029
5.	Start-Up Business Economic Loss	1,548	80	5	65	56	940	1,166	2,135	113	1,036	859	8,003
6.	Failed Business Economic Loss	242	285	5	86	142	532	1,657	1,697	104	433	788	5,971
7.	Coastal Real Property	29,384	70	0	14	957	0	5,836	1,698	379	1,188	2,894	42,420
8.	Wetlands Real Property	15,458	18	0	43	95	0	9,559	207	92	1,759	4,250	31,481
9.	Real Property Sales	862	7	0	11	88	37	684	103	20	1,123	178	3,113
10.	Subsistence	42,738	492	0	36	2,354	0	8,186	10,064	279	1,373	2,364	67,886
11.	VoO Charter Payment	7,115	16	0	16	0	0	608	792	91	83	187	8,908
12.	Vessel Physical Damage	843	28	0	7	0	0	173	285	19	82	123	1,560
13.	<b>Total</b>	<b>178,048</b>	<b>7,653</b>	<b>85</b>	<b>5,193</b>	<b>9,531</b>	<b>10,292</b>	<b>38,760</b>	<b>74,938</b>	<b>3,979</b>	<b>41,210</b>	<b>35,580</b>	<b>405,269</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	18,991	\$2,235,304,097	18,991	\$2,235,142,673	18,961	\$2,234,723,510	5,383
2.	Individual Economic Loss	8,734	\$132,822,963	8,717	\$131,703,333	8,701	\$128,253,058	8,701
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	10	\$93,497	10	\$93,497	10	\$93,497	10
4.	Business Economic Loss	52,123	\$8,258,992,499	51,986	\$7,934,236,525	51,831	\$7,649,464,043	46,366
5.	Start-Up Business Economic Loss	1,548	\$228,946,637	1,536	\$225,980,439	1,528	\$216,174,493	1,438
6.	Failed Business Economic Loss	242	\$30,307,379	240	\$28,853,593	238	\$28,833,533	236
7.	Coastal Real Property	29,384	\$162,038,701	29,384	\$162,038,701	29,370	\$162,017,762	22,993
8.	Wetlands Real Property	15,458	\$280,203,823	15,390	\$275,477,188	15,363	\$274,323,683	3,077
9.	Real Property Sales	862	\$40,460,484	862	\$40,460,484	862	\$40,460,484	764
10.	Subsistence	42,738	\$528,798,678	42,725	\$528,594,451	42,709	\$528,357,351	42,709
11.	VoO Charter Payment	7,115	\$283,163,169	7,115	\$283,163,169	7,115	\$283,163,169	5,409
12.	Vessel Physical Damage	843	\$12,881,455	843	\$12,881,455	843	\$12,881,455	775
13.	<b>Totals on DWH Releases</b>	<b>178,048</b>	<b>\$12,194,013,381</b>	<b>177,799</b>	<b>\$11,858,625,508</b>	<b>177,531</b>	<b>\$11,558,746,038</b>	<b>131,090</b>
14.	<b>40% Request</b>					<b>3,555</b>	<b>\$61,480,732</b>	<b>3,555</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>184,097</b>	<b>\$11,628,189,086</b>	<b>135,639</b>

Table 5	Appeals Received			
	Resolved Appeals			
	Appeal Status	BP Appeals	Claimant Appeals	Total Appeals
1.	Resolved by Panel Decision	4,380	5,064	9,444
2.	Discretionary Court Review Granted	220	425	645
3.	Resolved by Parties	2,048	154	2,202
4.	Withdrawn	548	361	909
5.	Administratively Closed	1,552	929	2,481
6.	Inactive Under Reconsideration/Re-Review	584	0	584
7.	Remand to Claims Administrator	608	1,146	1,754
8.	Return for Review Under Policy 495	1,445	90	1,535
9.	<b>Total</b>	<b>11,385</b>	<b>8,169</b>	<b>19,554</b>
Pending Appeals				
10.	In "Baseball" Process	26	24	50
11.	In "Non-Baseball" Process	0	29	29
12.	Submitted to Panel	10	47	57
13.	Under Discretionary Court Review	19	59	78
14.	<b>Total</b>	<b>55</b>	<b>159</b>	<b>214</b>
Grand Total				
15.		<b>11,440</b>	<b>8,328</b>	<b>19,768</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.