

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

**In Re: Oil Spill by the Oil Rig “Deepwater
Horizon” in the Gulf Of Mexico, on
April 20, 2010**

This document relates to:

ALL CASES

* MDL NO. 2179
*
* SECTION: J
*
* HONORABLE CARL J. BARBIER
*
*
* MAGISTRATE JUDGE WILKINSON

**ORDER AMENDING PRETRIAL ORDER NO. 9,
AUTHORIZING AND DIRECTING PAYMENT OF FEES AND EXPENSES,
AND CLOSURE OF AGGREGATE COMMON BENEFIT COST & FEE FUND**

Upon review of the record in these proceedings, including the escrow account statements for the Aggregate Common Benefit Cost and Fee Fund,¹ as well as the MDL 2179 PSC Shared Expense Account, and after consultation with the Court-appointed CPA, Philip A. Garrett, and Co-Liaison Counsel for Plaintiffs:

IT IS HEREBY ORDERED that it is no longer necessary for Common Benefit Attorneys to submit, nor for Mr. Garrett to review, claimed common benefit time or Held Costs as previously required under Sections II and III of Pretrial Order No. 9.²

¹ See Rec. Doc. 23575.

² Rec. Doc. 508.

IT IS FURTHER ORDERED that Co-Liaison Counsel, in conjunction with Philip A. Garrett, CPA, shall:

- a. transfer all but Three Hundred Thousand Dollars (\$300,000.00) from the MDL 2179 PSC Shared Expense Account to the Aggregate Common Benefit Cost and Fee Fund;
- b. explore the possibility of placing some or all of the remaining Shared Expense Account funds in an interest bearing account, including the corresponding tax implications and associated tax-preparation and/or other accounting expenses of same; and
- c. continue to review and, where appropriate, approve and pay any and all future Shared Expenses, in accordance with Sections III and IV of Pretrial Order No. 9.

IT IS FURTHER ORDERED that Philip A. Garrett, CPA, in conjunction with JPMorgan Chase Bank, N.A., shall:

- a. cause all necessary tax returns for the Qualified Settlement Fund established at JPMorgan and identified as the Aggregate Common Benefit Cost and Fee Fund to be prepared and filed;
- b. direct and cause that all reasonable tax-preparation expenses, outstanding escrow administration expenses, and/or any and all taxes due be paid;
- c. disburse and deposit \$110,787.13 into the Registry of the Court, to be held in trust for the benefit of Waite Schneider Bayless & Chesley (“WSBC Account”);
- d. disburse the net funds remaining in the Aggregate Common Benefit Cost and Fee Fund to the Common Benefit Attorneys³ on a *pro rata* basis, in proportion to the Common Benefit Fees⁴ awarded to each firm by the Court on October 24, 2017,⁵ based on the Report & Recommendation of the Special Master;⁶ and,
- e. once all returns are filed, any taxes are paid, any tax refunds are received from the IRS, and all net funds have been disbursed to the Common

³ The *pro rata* share owed to Waite Schneider Bayless & Chesley out of this reserve may also be deposited into the WSBC Account.

⁴ The *pro rata* distribution should be based on the award of Common Benefit Fees (if any) to each firm, irrespective of any approved reimbursement of Held Costs or Shared Expenses advanced or incurred by the firm.

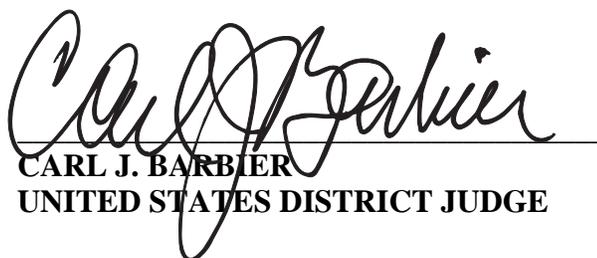
⁵ Rec. Doc. 23574.

⁶ Rec. Doc. 23574-1.

Benefit Attorneys, then the Aggregate Common Benefit Cost and Fee Fund account at JP Morgan shall be closed.

IT IS FURTHER ORDERED that JPMorgan Chase Bank, N.A., and Philip A. Garrett, CPA, shall thereafter be relieved of any and all obligations and responsibilities with respect to the former qualified settlement fund.

SIGNED in New Orleans, Louisiana this 22nd day of March, 2018.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE