

**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
	*	
	*	JUDGE BARBIER
This Document Relates to: No. 12-970	*	
	*	MAG. JUDGE WILKINSON

ORDER

[Regarding Claims in the Economic Settlement that Are Subject to Moratoria Hold]

WHEREFORE, Exhibit 16 of the Deepwater Horizon Economic and Property Damages Settlement (“Settlement”) contemplated that BP and Class Counsel would, relative to the “Support Services to the Oil & Gas Industry,” “develop agreed upon guidance that the Claims Administrator shall apply in making compensation determinations that adhere to the moratoria exclusion in the [S]ettlement”;

WHEREFORE, BP and Class Counsel have not, in the five years since the Settlement was executed, reached agreement on a set of protocols or guidance;

WHEREFORE, the Court appointed Neutrals to attempt to resolve, *inter alia*, claims pending in the Deepwater Horizon Economic and Property Damages Settlement Program (“Settlement Program”) that are subject to a “Moratoria Hold,”

WHEREFORE, over the past year-and-a-half, the Neutrals’ process has reduced via settlement the number of Claimants subject to a “Moratoria Hold” from several thousand to approximately one hundred fifty.

CONSIDERING THE FOREGOING, as well as the continuing impasse between BP and Class Counsel in developing the guidelines contemplated by Exhibit 16;

IT IS ORDERED that any Claimant who has received a notice from the Settlement Program that his, her, or its claim is subject to a “Moratoria Hold” and that claim has not been resolved by March 25, 2017, shall have the option to exclude (“Opt Out”) that claim from the Settlement Program and proceed in litigation. Claimants who wish to avail themselves of this option must properly complete and submit the attached Opt-Out Form (Exhibit A to this Order) no later than **April 24, 2017**.¹

IT IS FURTHER ORDERED that any Claimant who elects to Opt Out a claim pursuant to this Order and has not previously filed an individual complaint and complied with Pretrial Order No. 60 must file an individual complaint (one per plaintiff) and Sworn Statement that substantially complies with the requirements of Pretrial Order No. 60 (10-md-2179, Rec. Doc. 16050) by no later than **June 23, 2017**.

With respect to any claim that is excluded from the Settlement Program pursuant to and in accordance with this Order, BP agrees that it will not raise, assert, or otherwise argue that the claim is barred by statute of limitations, prescription, or is otherwise untimely, nor shall BP argue that the Claimant failed to satisfy “presentment” under the Oil Pollution Act, 33 U.S.C. § 2713.

The Claims Administrator for the Settlement Program is instructed to provide a copy of this Order and the Opt-Out Form (Exhibit A) to all Claimants (or their attorneys, if represented) who have a claim pending in the Settlement Program that is subject to a “Moratoria Hold,” using whatever method the Claim Administrator ordinarily uses to communicate with that Claimant (or the Claimant’s attorney).

¹ If a Claimant has multiple claims pending in the Settlement Program, some of which are subject to a “Moratoria Hold” and some of which are not, the Claimant may Opt Out only the “Moratoria Hold” claim from the Settlement Program. The claims that are not subject to a “Moratoria Hold” will remain in the Settlement Program.

New Orleans, Louisiana, this 17th day of March, 2017.

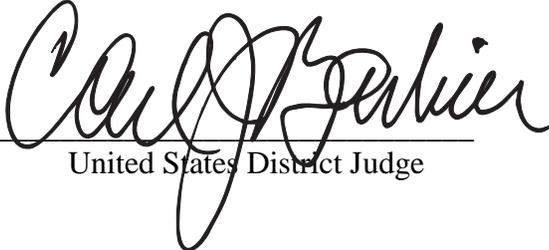

United States District Judge

EXHIBIT A --- "OPT-OUT FORM"

(Regarding Claims in the Deepwater Horizon Economic and Property Damages Settlement Program that Are Subject to a "Moratoria Hold")

Instructions: Complete and submit this Opt-Out Form by **April 24, 2017** if you have an unresolved claim in the Deepwater Horizon Economic and Property Damages Settlement Program ("Settlement Program") that is subject to a "Moratoria Hold" **and you wish to exclude that claim from the Settlement Program and proceed in litigation.**¹ If you have multiple claims in the Settlement Program, only some of which are subject to a "Moratoria Hold," the claims that are not subject to the "Moratoria Hold" will remain in the Settlement Program. The Opt-Out Form must be signed by the Claimant or the Claimant's Authorized Representative; the Claimant's attorney may not sign this form. There are two ways to submit this Opt-Out Form:

Email the Opt-Out Form to: questions@dhecc.com	Mail the Opt-Out Form to: Deepwater Horizon Court-Supervised Settlement Program Exclusions Department P.O. Box 10272 Dublin, OH 43017-5772 (Must be postmarked by April 24, 2017)
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Claimant's Name: _____

Claimant ID: _____

Claim ID(s): _____

Claimant Address: _____

"I wish to have the Claim(s) identified above excluded from the Deepwater Horizon Economic and Property Damages Settlement Program."

Signature of Claimant or Claimant's
Authorized Representative
(Claimant's attorney may not sign)

¹ Note: To proceed in litigation, you must, in addition to completing and submitting this Opt-Out Form, file an individual complaint and Sworn Statement that substantially complies with Pretrial Order No. 60 (C.A. no. 10-md-2179, Rec. Doc. 16050) by **June 23, 2017**.