

**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**

This Document Applies to:
All Cases

* **MDL No. 2179**
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* **SECTION: J**
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* **JUDGE BARBIER**
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* **MAG. JUDGE SHUSHAN**
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ORDER

[Amending the Court’s previous Order of December 28, 2011, establishing an account and reserve (Rec. Doc. 5022)]

In a letter to the Court dated January 3, 2012, the Gulf Coast Claims Fund (“GCCF”) has expressed certain concerns over the Court’s Order of December 28, 2011 (Rec. Doc. 5022), which established a “common benefit” reserve account and requires defendants and their agents to hold back 6% of settlements, including those made through the GCCF. In response to the GCCF’s concerns, the Court **CLARIFIES AND AMENDS** its previous Order insofar as it applies to payments or settlements made by the GCCF:

1. The 6% hold-back shall be applied to all prospective payments made to all claimants who were not issued a payment determination letter from the GCCF as of December 30, 2011.
2. The 6% hold-back does not apply to settlement payments (interim or final) made on or before December 30, 2011, nor does the hold-back apply to settlement offers contained within payment determination letters from the GCCF which issued on or before December 30, 2011.

3. Where the GCCF withholds a payment (or portion of a payment) pursuant to legally enforceable liens or writs of garnishment, the 6% hold-back shall only apply to that portion of the settlement not subject to the lien or writ of garnishment (i.e., the “net” amount after the deduction of the lien or garnishment).

New Orleans, Louisiana this 4th day of January, 2012.


UNITED STATES DISTRICT JUDGE