

Deadline to File Claims in the Settlement Program

1. ***Introduction.*** Under Section 5.11.8 of the Settlement Agreement, “for all claims other than those made under the Seafood Compensation Program, the deadline for submission of Claim Forms to the Settlement Program shall be April 22, 2014 or 6 (six) months after the Effective Date, whichever occurs later[.]” Section 38.62 of the Settlement Agreement states that the Effective Date:

shall mean (1) the day following the expiration of the deadline for appealing the entry by the Court of the Final Order and Judgment, if no such appeal is filed, or (2) if an appeal of the Final Order and Judgment is filed, the date upon which all appellate courts with jurisdiction (including the United States Supreme Court by petition for certiorari) affirm such Final Order and Judgment, or deny any such appeal or petition for certiorari, such that no future appeal is possible, or (3) such date as the Parties otherwise agree in writing.

The Claim Form Submission Deadline thus depends on when the Effective Date occurs.

2. ***Effective Date of the Settlement Agreement.*** April 22, 2014 will not be the deadline to submit new claims to the Settlement Program. Because none of the triggering events as enumerated within Section 38.62 have occurred as of the date of this Alert, the Effective Date has not yet been reached. Because the deadline for filing claims will occur on the *latter* of April 22, 2014 or six months after the Effective Date, the claim filing deadline will necessarily occur after April 22, 2014. Therefore, Claimants who have not previously been paid on a claim must file their Claim Forms within six months after the Effective Date. The Effective Date, as expressed in Section 38.62, will be 1) the date upon which all appellate courts of jurisdiction affirm the District Court’s Final Approval Order, or deny such an appellate petition, such that no future appeal is possible; or 2) the date otherwise agreed upon by BP and Class Counsel. As neither of these events have occurred, the Claims Administrator does not yet know the Effective Date or the final deadline to submit new claims to the Settlement Program.
3. ***Deadline to File Seafood Compensation Program Claims.*** The deadline to file all Claim Forms in the Seafood Compensation Program was January 22, 2013. The Effective Date of the Settlement Agreement, once determined and announced, will not affect this deadline.
4. ***Deadline for Claimants Who Have Previously Been Paid by the Claims Administrator.*** The deadline for Claimants who have previously been paid by the Claims Administrator to file additional Claim Forms is six months (180 days) after the date of the first payment, but in no event shall Claim Forms be filed later than six months after the Effective Date of the Settlement Agreement. This does not affect the Seafood Compensation Program claims deadline of January 22, 2013.