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

Plaisance, *et al.*, individually and on behalf of the Medical Benefits Settlement Class, **Plaintiffs,** **v.** **BP Exploration & Production Inc., *et al.*,** **Defendants.**	* * * * * * * * * * * * * *	**NO. 12-CV-968** **SECTION: J** **HONORABLE CARL J. BARBIER** **MAGISTRATE JUDGE SHUSHAN**

NOTICE OF JOINT FILING OF THE DECLARATIONS OF CAMERON R. AZARI; JOHN C. COFFEE, JR; MATTHEW GARRETSON; AND BERNARD D. GOLDSTEIN

PLEASE TAKE NOTICE that the Medical Benefits Class Representatives, BP Exploration & Production Inc., and BP America Production Company hereby jointly file into the record the supplemental declarations of Cameron R. Azari; John C. Coffee, Jr.; Matthew Garretson; and Bernard D. Goldstein. These declarations are attached as, respectively, Exhibits 1, 2, 3, and 4 to this filing.

October 22, 2012

Respectfully submitted,

/s/ Stephen J. Herman
Stephen J. Herman, La. Bar No. 23129
HERMAN HERMAN KATZ & COTLAR LLP
820 O'Keefe Avenue
New Orleans, Louisiana 70113
Telephone: (504) 581-4892
Fax No. (504) 569-6024
E-Mail: sherman@hhkc.com

Medical Benefits Class Counsel and Lead Class Counsel

/s/ James Parkerson Roy
James Parkerson Roy, La. Bar No. 11511
DOMENGEAUX WRIGHT ROY & EDWARDS LLC
556 Jefferson Street, Suite 500
Lafayette, Louisiana 70501
Telephone: (337) 233-3033
Fax No. (337) 233-2796
E-Mail: jimr@wrightroy.com

Medical Benefits Class Counsel and Lead Class Counsel

MEDICAL BENEFITS CLASS COUNSEL

Joseph F. Rice
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
Office: (843) 216-9159
Telefax: (843) 216-9290
E-Mail: jrice@motleyrice.com

Conrad S.P. "Duke" Williams
WILLIAMS LAW GROUP
435 Corporate Drive, Suite 101
Maison Grand Caillou
Houma, LA 70360
Office: (985) 876-7595
Telefax: (985) 876-7594
E-Mail: duke@williamslawgroup.org

Brian H. Barr
LEVIN, PAPANTONIO, THOMAS, MITCHELL, ECHSNER & PROCTOR, PA
316 South Baylen St., Suite 600
Pensacola, FL 32502-5996
Office: (850) 435-7045
Telefax: (850) 436-6187
E-Mail: bbarr@levinlaw.com

Robin L. Greenwald
WEITZ & LUXENBERG, PC
700 Broadway
New York, NY 10003
Office: (212) 558-5802
Telefax: (212) 344-5461
E-Mail: rgreenwald@weitzlux.com

Jeffrey A. Breit
BREIT DRESCHER IMPREVENTO & WALKER, P.C.
999 Waterside Drive, Suite 1000
Norfolk, VA 23510
Office: (757) 670-3888
Telefax: (757) 670-3895
E-Mail: jbreit@bdbmail.com

Elizabeth J. Cabraser
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Office: (415) 956-1000
Telefax: (415) 956-1008
E-Mail: ecabraser@lchb.com

Philip F. Cossich, Jr.
COSSICH, SUMICH, PARSIOLA & TAYLOR
8397 Highway 23, Suite 100
Belle Chasse, LA 70037
Office: (504) 394-9000
Telefax: (504) 394-9110
E-Mail: pcossich@cossichlaw.com

Robert T. Cunningham
CUNNINGHAM BOUNDS, LLC
1601 Dauphin Street, P. O. Box 66705
Mobile, AL 36660
Office: (251) 471-6191
Telefax: (251) 479-1031
E-Mail: rtc@cunninghambounds.com

Alphonso Michael "Mike" Espy
MORGAN & MORGAN, P.A.
188 East Capitol Street, Suite 777
Jackson, MS 39201
Office: (601) 949-3388
Telefax: (601) 949-3399
E-Mail: mike@mikespy.com

Rhon E. Jones
BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P. C.
218 Commerce St., P.O. Box 4160
Montgomery, AL 36104
Office: (334) 269-2343
Telefax: (334) 954-7555
E-Mail: rhon.jones@beasleyallen.com

Matthew E. Lundy
LUNDY, LUNDY, SOILEAU & SOUTH, LLP
501 Broad Street
Lake Charles, LA 70601
Office: (337) 439-0707
Telefax: (337) 439-1029
E-Mail: mlundy@lundylawllp.com

Michael C. Palmintier
deGRAVELLES, PALMINTIER, HOLTHAUS & FRUGE'
618 Main Street
Baton Rouge, LA 70801-1910
Office: (225) 344-3735
Telefax: (225) 344-0522
E-Mail: mpalmintier@dphf-law.com

Paul M. Sterbcow
LEWIS, KULLMAN, STERBCOW & ABRAMSON
601 Poydras Street, Suite 2615
New Orleans, LA 70130
Office: (504) 588-1500
Telefax: (504) 588-1514
E-Mail: sterbcow@lksalaw.com

Scott Summy
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219
Office: (214) 521-3605
Telefax: (214) 599-1172
E-Mail: ssummy@baronbudd.com

Calvin C. Fayard, Jr.
FAYARD & HONEYCUTT
519 Florida Avenue, SW
Denham Springs, LA 70726
Office: (225) 664-4193
Telefax: (225) 664-6925
E-Mail: calvinfayard@fayardlaw.com

Mikal C. Watts
WATTS GUERRA CRAFT, LLP
Four Dominion Drive, Building 3, Suite 100
San Antonio, TX 78257
Office: (210) 447-0500
Telefax: (210) 447-0501
E-Mail: mcwatts@wgclawfirm.com

Ervin A. Gonzalez
COLSON HICKS EIDSON
255 Alhambra Circle, Penthouse
Coral Gables, FL 33134
Office: (305) 476-7400
Telefax: (305) 476-7444
E-Mail: ervin@colson.com

James J. Neath
Mark Holstein
BP AMERICA INC.
501 Westlake Park Boulevard
Houston, TX 77079
Telephone: (281) 366-2000
Telefax: (312) 862-2200

Ellen K. Reisman
ARNOLD & PORTER LLP
777 South Figueroa Street
Los Angeles, CA 90017-5844

James P. Joseph
Ethan P. Greene
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004-1206

Of Counsel

/s/ Richard C. Godfrey, P.C. .
Richard C. Godfrey, P.C.
J. Andrew Langan, P.C.
Andrew B. Bloomer, P.C.
Elizabeth A. Larsen
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, IL 60654

/s/ Don K. Haycraft .
Don K. Haycraft (Bar #14361)
R. Keith Jarrett (Bar #16984)
LISKOW & LEWIS
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139
Telephone: (504) 581-7979
Telefax: (504) 556-4108

Robert C. "Mike" Brock
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 662-5985
Telefax: (202) 662-6291

ATTORNEYS FOR BP EXPLORATION & PRODUCTION INC. AND BP AMERICA PRODUCTION COMPANY

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing pleading has been served on All Counsel by electronically uploading the same to Lexis Nexis 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 22nd day of October, 2012.

/s/ Don K. Haycraft

Exhibit 1

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	*	**MDL No. 2179**
	*	**SECTION: J**
	*	**HONORABLE CARL J. BARBIER**
	*	**MAGISTRATE JUDGE SHUSHAN**
Plaisance, et al., individually and on behalf of the putative Medical Benefits Settlement Class,	*	**No. 12-968**
	*	**SECTION: J**
Plaintiffs,	*	
v.	*	**HONORABLE CARL J. BARBIER**
BP Exploration & Production Inc.; *et al.*,	*	**MAGISTRATE JUDGE SHUSHAN**
Defendants.	*	

JOINT SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. ON IMPLEMENTATION AND ADEQUACY OF MEDICAL BENEFITS SETTLEMENT NOTICE PLAN

I, CAMERON R. AZARI, ESQ., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I am over the age of twenty-one and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally-recognized expert in the field of legal notice, and I have served as a media expert in dozens of federal and state cases involving class action notice plans.

3. I am the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. I previously submitted three declarations in this matter (*Declaration of Cameron R. Azari, Esq. on Medical Benefits Settlement Notices and Notice Plan*, dated April 17, 2012 (Docket Entry 6267, Exhibit 1), *Supplemental Declaration of Cameron R. Azari, Esq. on Revised Medical Benefits Settlement Notices* dated May 1, 2012 (Docket Entry 6399, Ex. B) and *Joint Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Medical Benefits Settlement Notice Plan* dated August 13, 2012 (Docket Entry 7110-1, Ex. A).)

4. The facts in this Declaration are based on what I personally know, as well as information generated and provided to me in the ordinary course of business by my colleagues at Hilsoft Notifications as well as the Garretson Firm Resolution Group, Inc. ("GRG"), the Court-appointed Settlement Administrator for the Medical Benefits Class Action Settlement.

Overview

5. This Declaration will report on the events related to notice that have occurred since the submission of my *Joint Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Medical Benefits Settlement Notice Plan* ("*Declaration on Implementation*") of August 13, 2012. I note, based on my review of the objections to

the Medical Benefits Class Action Settlement, that there appear to be no objections to the Notice Program.

6. As previously reported, the Medical Benefits Settlement Notice Program, as implemented, reached an estimated 95% of adults aged 18+ in the identified DMAs[1] covering the Gulf Coast Areas an average of 10.3 times each, and an estimated 83% of all U.S. adults aged 18+ an average of 4.0 times each.[2] Nothing has occurred since my most recent Declaration to change my assessment of the impressive performance of the Notice Program. The Notice Program surpassed other notice programs we have designed, that have been court-approved, and that we have implemented for purposes of settlement. The Notice Program was the best notice practicable under the circumstances of this case, conforming to all aspects of Federal Rule of Civil Procedure 23.

Supplement to CAFA Notice

7. On August 27, 2012, at the direction of counsel for BP, Hilsoft Notifications sent by certified mail a notice packet to supplement previously-provided CAFA notice to 57 federal and state officials, including the Attorney General of the United States, the Attorneys General of each of the 50 states and the District of Columbia and the Attorneys General of the U.S. territories of Puerto Rico, the Northern Mariana Islands, American

[1] DMA or "Designated Market Area" is a term used by Nielsen Media Research to identify an exclusive geographic area of counties/parishes in which the home market television stations hold a dominance of total hours viewed. There are 210 DMAs in the U.S.

[2] Reach is defined as the percentage of a class exposed to notice, net of any duplication among people who may have been exposed more than once. Notice exposure is defined as the opportunity to see a notice. The average frequency of notice exposure is the average number of times that those reached by a notice would be exposed to the notice.

Samoa, the Virgin Islands and Guam.[3] A list of these officials and the date that each notice was mailed is included as Attachment 1.

8. The Supplemental CAFA notice packet included a cover letter that provided updated information about the Medical Benefits Class Action Settlement Agreement (including the extended Opt-Out Deadline of November 1, 2012) and reminded recipients of the website address for the Public Access to Court Electronic Records (PACER) system, where court filings regarding the Settlement and MDL 2179 could be accessed. The cover letter was accompanied by a CD that included:

- Amended Medical Benefits Class Action Settlement Agreement (with all exhibits), filed with the Court on May 3, 2012;
- Other written judicial opinions relating to the Medical Benefits Class Action Settlement that were filed in MDL 2179 since the filing of the settlement agreement, between April 19, 2012 and August 24, 2012, as well as the Order Extending the Exclusion (Opt-Out) Deadlines for the *Deepwater Horizon* Economic and Property Damages Settlement Agreement and the *Deepwater Horizon* Medical Benefits Class Action Settlement Agreement;
- The parties' motions seeking final approval of the Medical Benefits Class Action Settlement, with exhibits and supporting papers,
- Individual complaints that have been consolidated (or are in the process of being consolidated) into MDL 2179 since the filing of the settlement agreement; and
- Copies of any final judgment or notice of dismissal entered in MDL 2179 since the filing of the settlement agreement.

A sample of the cover letter to the Supplemental CAFA notice packet is included as Attachment 2.

[3] On April 26, 2012, within the 10-day period required by the federal Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715, Hilsoft Notifications sent the initial CAFA notice packet by certified mail to the same 57 federal and state officials.

Individual Notice Update

9. For all potential Medical Benefits Settlement Class Members, GRG has also continued the process of re-mailing any Notice Packets to addresses that were corrected through the USPS or found via additional public record research. Notice Packets also continue to be mailed by GRG to anyone who requests one.

Informational Settlement Website Updates

10. Since the filing of my *Declaration on Implementation* on August 13, 2012 several updates have been made to the www.DeepwaterHorizonSettlements.com informational website to reflect Orders issued by the Court. They are as follows:

- On August 28, 2012, to conform to the Court's August 27, 2012 Order extending the Opt-Out deadline from October 1, 2012 to November 1, 2012, the deadline was changed throughout the informational website in all three languages, including edits in the appropriate sections of the Detailed Notice PDF files posted on the website. The link to the Detailed Notice PDF file was changed to read, "Detailed Notice (updated August 28, 2012)." GRG was also immediately made aware of the extended deadline and asked to make the appropriate edits to the Medical Benefits Settlement claims administration website.
- On August 31, 2012, to conform to the Court's Order issued that day extending the Objection deadline to September 7, 2012, the deadline was changed throughout the informational website in all three languages, including edits in the appropriate sections of the Detailed Notice PDF files posted on the website. Also, prominently on the website homepage, a sentence was added reading, "August 31, 2012 Update: Objection deadlines have been extended to September 7, 2012 by Order of the Court." The sentence linked to a PDF file of the Court's Order extending the deadline. The document was also provided to GRG for posting on the Medical Benefits Settlement claims administration website.

11. Hilsoft will continue to update the informational notice website as ordered by the Court and/or directed by the parties. The informational notice website will thus

advise Class Members, on an ongoing and timely basis, of important dates, events, information, and proceedings that relate to settlement approval, implementation, enforcement, administration, and claims.

No Objections to Notice

12. I and my staff have reviewed all of the objections that were filed to the Medical Benefits Class Action Settlement. None of the objections received raises any issue with the Notice Plan or the content of the Notices.

Conclusion

13. As stated in my *Declaration on Implementation*, in my opinion, the Medical Benefits Settlement Notice Program was the best notice practicable under the circumstances of this case, conformed to all aspects of Federal Rule of Civil Procedure 23, and comported with the guidance for effective notice articulated in the *Manual for Complex Litigation*, 4th. The continuing efforts to deliver notice to the Class support that conclusion.

I declare under penalty of perjury that the foregoing is a true and correct statement of my opinions and analysis.

Cameron R. Azari. Esq.

Dated: October 21, 2012

Attachment 1

First Name	MI	Last Name	Title	Address1	Address2	Address3	City	ST	Zip Code	Shipped Date
Michael		Geraghty	Attorney General	Office of the Attorney General	123 4th Street	6th Floor	Juneau	AK	99801	August 27, 2012
Luther		Strange	Attorney General	Office of the Attorney General	501 Washington Avenue		Montgomery	AL	36130	August 27, 2012
Dustin		McDaniel	Attorney General	Office of the Attorney General	200 Tower Building	323 Center St., Suite 200	Little Rock	AR	72201-2610	August 27, 2012
Tom		Horne	Attorney General	Office of the Attorney General	Department of Law	1275 W. Washington St.	Phoenix	AZ	85007	August 27, 2012
CAFA		Coordinator	Office of The Attorney General	Consumer Law Section	110 West "A" Street	Suite 1100	San Diego	CA	92186-5266	August 27, 2012
John		Suthers	Attorney General	Office of the Attorney General	1525 Sherman St. 5th Floor		Denver	CO	80203	August 27, 2012
George		Jepsen	Attorney General	Office of the Attorney General	55 Elm Street		Hartford	CT	06141	August 27, 2012
Irvin		Nathan	Attorney General	Office of the Attorney General	John A. Wilson Building	441 4th Street NW	Washington	DC	20001	August 27, 2012
Joseph	R.	Biden III	Attorney General	Office of the Attorney General	Carvel State Office Building	820 North French St.	Wilmington	DE	19801	August 27, 2012
Pam		Bondi	Attorney General	Deepwater Horizon Oil Spill Settlement	State of Florida	The Capitol, PL 01	Tallahassee	FL	32399-1050	August 27, 2012
Sam		Olens	Attorney General	Office of the Attorney General	40 Capitol Square, SW		Atlanta	GA	30334-1300	August 27, 2012
David		Louie	Attorney General	Office of the Attorney General	425 Queen Street		Honolulu	HI	96813	August 27, 2012
Thomas	J.	Miller	Attorney General	Iowa Attorney General	Hoover Office Building, 2nd Floor	1305 E. Walnut Street	Des Moines	IA	50319	August 27, 2012
Lawrence	G.	Wasden	Attorney General	Statehouse	Office of the Attorney General	700 W. Jefferson Street	Boise	ID	83720	August 27, 2012
Lisa		Madigan	Attorney General	Office of the Attorney General	James R. Thompson Center	100 W. Randolph St. ,13th Floor	Chicago	IL	60601	August 27, 2012
Greg		Zoeller	Attorney General	Office of the Indiana Attorney General	Indiana Government Center South, 5th Floor	302 West Washington Street	Indianapolis	IN	46204	August 27, 2012
Derek		Schmidt	Attorney General	Office of the Attorney General	120 S. W. 10th Street, 2nd Floor		Topeka	KS	66612-1597	August 27, 2012
Jack		Conway	Attorney General	Office of the Attorney General	State Capitol, Suite 118	700 Capitol Avenue	Frankfort	KY	40601-3449	August 27, 2012
James	D.	Caldwell	Attorney General	Department of Justice	1885 North 3rd St. 6th Floor		Baton Rouge	LA	70802	August 27, 2012
Martha		Coakley	Attorney General	Office of the Attorney General	McCormack Buliding	One Ashburton Place	Boston	MA	02108-1698	August 27, 2012
Douglas	F.	Gansler	Attorney General	Office of the Attorney General	200 Saint Paul Place		Baltimore	MD	21202-2202	August 27, 2012
William	J.	Schneider	Attorney General	Office of the Attorney General		6 State House Station	Augusta	ME	04333	August 27, 2012
Bill		Schuette	Attorney General	Office of the Attorney General		525 West Ottawa Street	Lansing	MI	48909	August 27, 2012
Lori		Swanson	Attorney General	Office of the Attorney General	State Capitol	Suite 102	St. Paul	MN	55155	August 27, 2012
Chris		Koster	Attorney General	Office of the Attorney General	Supreme Court Building	207 W. High Street	Jefferson City	MO	65101	August 27, 2012
Jim		Hood	Attorney General	Department of Justice	Walter Sillers Building	550 High Street, Suite 1200	Jackson	MS	39201	August 27, 2012
Steven		Bullock	Attorney General	Office of the Attorney General	Montana Department of Justice	215 N. Sanders Street, 3rd Floor	Helena	MT	59620-1401	August 27, 2012
Roy		Cooper	Attorney General	Office of the Attorney General	Department of Justice	9001 Mail Service Center	Raleigh	NC	27699	August 27, 2012
Wayne		Stenehjem	Attorney General	Office of the Attorney General	State Capitol	600 E. Boulevard Avenue, Dept 125	Bismarck	ND	58505-0040	August 27, 2012
Jon		Bruning	Attorney General	Office of the Attorney General	State Capitol	2115 State Capitol	Lincoln	NE	68509	August 27, 2012
Michael		Delaney	Attorney General	Office of the Attorney General	State House Annex	33 Capitol St.	Concord	NH	03301-6397	August 27, 2012
Jeffrey	S.	Chiesa	Attorney General	Richard J. Hughes Justice Complex	25 W. Market Street		Trenton	NJ	08625	August 27, 2012
Gary		King	Attorney General	Office of the Attorney General	408 Galisteo Street	Villagra Building	Santa Fe	NM	87501	August 27, 2012
Catherine	Cortez	Masto	Attorney General	Office of the Attorney General	Old Supreme Court Building	100 N. Carson Street	Carson City	NV	89701	August 27, 2012
Eric		Schneiderman	Attorney General	Department of Law	The Capitol, 2nd Floor		Albany	NY	12224-0341	August 27, 2012
Mike		Dewine	Attorney General	Office of the Attorney General	State Office Tower	30 E. Broad Street, 17th Floor	Columbus	OH	43266-0410	August 27, 2012
Scott		Pruitt	Attorney General	Office of the Attorney General	313 NE 21st Street		Oklahoma City	OK	73105	August 27, 2012
Ellen	F.	Rosenblum	Attorney General	Office of the Attorney General	Justice Building	1162 Court St., NE	Salem	OR	97301	August 27, 2012
Linda	L.	Kelly	Appointed Attorney General	Office of the Attorney General	1600 Strawberry Square	16th Floor	Harrisburg	PA	17120	August 27, 2012
Peter		Kilmartin	Attorney General	Office of the Attorney General	150 South Main Street		Providence	RI	02903	August 27, 2012
Alan		Wilson	Attorney General	Rembert C. Dennis Office Bldg.	Rembert C. Dennis Office Building	1000 Assembly Street, Rm 519	Columbia	SC	29201	August 27, 2012
Marty	J.	Jackley	Attorney General	Office of the Attorney General	1302 East Highway 14, Suite 1		Pierre	SD	57501-8501	August 27, 2012
Robert	E.	Cooper, Jr.	Attorney General	Office of the Attorney General	425 5th Avenue North		Nashville	TN	37243	August 27, 2012
Greg		Abbott	Attorney General	Office of the Attorney General	300 W. 15th Street		Austin	TX	78701	August 27, 2012
Mark	L.	Shurtleff	Attorney General	Office of the Attorney General	State Capitol, Room 236		Salt Lake City	UT	84114-0810	August 27, 2012
Ken		Cuccinelli	Attorney General	Office of the Attorney General	900 E. Main Street		Richmond	VA	23219	August 27, 2012
William	H.	Sorrell	Attorney General	Office of the Attorney General	109 State Street		Montpelier	VT	05609-1001	August 27, 2012
Robert		McKenna	Attorney General	Office of the Attorney General	1125 Washington Street, SE		Olympia	WA	98504	August 27, 2012
J.B.		Van Hollen	Attorney General	Office of the Attorney General	114 East State Capitol		Madison	WI	53707-7857	August 27, 2012
Darrell	V.	McGraw Jr.	Attorney General	Office of the Attorney General	1900 Kanawha Blvd., E.	Room 26E	Charleston	WV	25305-9924	August 27, 2012
Greg		Phillips	Attorney General	Office of the Attorney General	123 Capitol Building	200 West 24th Street	Cheyenne	WY	82002	August 27, 2012
Eric	H.	Holder, Jr.	Federal Attorney General	US Department of Justice	950 Pennsylvania Avenue, NW		Washington	D.C.	20530-0001	August 27, 2012
Fepulea'i	A.	Ripley, Jr.	Attorney General	American Samoa Gov't Exec Office Building	Utulei, Territory of American Somoa		Pago Pago	AS	96799	August 27, 2012
Lenny		Rapadas	Attorney General		287 West O'Brien Drive		Hagatna	Guam	96910	August 27, 2012
Edward	T.	Buckingham	Attorney General	Administration Building	P.O. Box 10007		Saipan	MP	96950-8907	August 27, 2012
Guillermo		Somoza-Colombani	Attorney General		GPO Box 902192		San Juan	PR	00902-0192	August 27, 2012
Vincent		Frazer	Attorney General	Department of Justice	G.E.R.S. Complex	488-50C Kronprinsdens Gade	St. Thomas	VI	802	August 27, 2012

Attachment 2

Notice Administrator for U.S. District Court

Eric H. Holder, Jr.
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

On or about April 26, 2012, Notice of a proposed class-action settlement -- the "Medical Benefits Class Action Settlement" -- was provided to you as required by the Class Action Fairness Act ("CAFA Notice"). *See* 28 U.S.C. § 1715(b). As a courtesy, we are providing you with the following additional information and materials related to the proposed Medical Benefits Class Action Settlement that have become available since the CAFA Notice was sent:

- **Case:** *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179-CJB-SS.

- **Court:** The United States District Court for the Eastern District of Louisiana (Honorable Carl J. Barbier).

- **Defendants:** Defendants BP Exploration & Production Inc. and BP America Production Company (together, "BP") are parties to the proposed settlement.

- **Judicial Hearings Scheduled:** The proposed Medical Benefits Class Action Settlement was preliminarily approved by the Court on May 2, 2012. A hearing on the request to certify the Settlement Class and to give final approval to the settlement has been scheduled by the Court for Wednesday, November 8, 2012, at the U.S. District Court, 500 Poydras Street, New Orleans, Louisiana, 70130. At the time of the hearing, these matters may be continued without further notice.

- **Change to Opt-Out Deadline:** Please be advised that by Order of the Court, and as reflected on the settlement website (www.deepwaterhorizonsettlements.com), the deadline for class members to exclude themselves ("opt out") of the Medical Benefits Class Action Settlement has been extended to **November 1, 2012**. No other deadlines have changed. However, the settlement website (www.deepwaterhorizonsettlements.com) and the Public Access to Court Electronic Records ("PACER") system (http://www.pacer.gov/) should be regularly consulted for further updates regarding the settlement.

- **Documents Enclosed:** As a supplement to the materials previously provided to you, copies of the following documents are provided as a courtesy on the enclosed CD-ROM disk in Adobe Acrobat PDF format.

- Amended Medical Benefits Class Action Settlement Agreement (with all exhibits), filed with the Court on May 3, 2012;

- Other written judicial opinions relating to the Medical Benefits Class Action Settlement that were filed in MDL 2179 since the filing of the settlement agreement on April 19, 2012, through August 24, 2012, as well as the Order Extending the Exclusion (Opt-Out) Deadlines for the *Deepwater Horizon* Economic and Property Damages Settlement Agreement and the *Deepwater Horizon* Medical Benefits Class Action Settlement Agreement, issued August 27, 2012;

- The parties' motions seeking final approval of the Medical Benefits Class Action Settlement, with exhibits and supporting papers;

- Individual complaints that have been consolidated (or are in the process of being consolidated) into MDL 2179 since the filing of the settlement agreement on April 19, 2012, through August 24, 2012; and

- Copies of any final judgment or notice of dismissal entered in MDL 2179 since the filing of the settlement agreement on April 19, 2012, through August 24, 2012.

To the extent you are interested in learning about materials related to this settlement that may be filed in the future, the Public Access to Court Electronic Records ("PACER") system (http://www.pacer.gov/) includes access to all public pleadings and orders in MDL 2179, including any pleadings or orders that are filed. Information is also available on the settlement website (http://www.deepwaterhorizonsettlements.com). If you have any questions, please contact Richard C. Godfrey, P.C. (richard.godfrey@kirkland.com), with a cc to Joel A. Blanchet (joel.blanchet@kirkland.com) and Sandra L. Musumeci (sandra.musumeci@kirkland.com).

Exhibit 2

IN 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	MDL NO. 2179 SECTION: J HONORABLE CARL J. BARBIER MAGISTRATE JUDGE SHUSHAN
Kip Plaisance *et al.*, individually and on behalf of the putative Medical Benefits Settlement Class, **Plaintiffs,** **v.** **BP Exploration & Production Inc; BP America Production Company; and BP p.l.c.,** **Defendants.**	No. 12-cv-968 SECTION: J HONORABLE CARL J. BARBIER MAGISTRATE JUDGE SHUSHAN

SUPPLEMENTAL DECLARATION OF JOHN C. COFFEE, JR.

JOHN C. COFFEE, JR. declares as follows:

I. INTRODUCTION

1. This declaration supplements my earlier declaration, dated August 10, 2012, in light of the objections that have been raised with respect to the "Deepwater Horizon Medical Benefits Class Action Settlement Agreement," dated April 18, 2012 and amended May 1, 2012

(the "Medical Benefits Settlement Agreement"). In this declaration, I will not retrace ground already covered, either in my earlier declaration, or in my contemporaneous Supplemental Declaration with respect to the Economic Loss and Property Damages Class Action. Where possible, I will simply cross-reference arguments made in those other filings.

2. Nonetheless, the few objectors to this settlement have raised several themes that require brief attention. I will not address those objections that simply contend that the Medical Benefits Settlement is unfair or inadequate, as those issues do not directly relate to my continuing focus on class certification. But other objectors have raised essentially three themes (which different objectors articulate in different ways);

A. The Medical Benefits Settlement Agreement does not properly distinguish between those persons exposed to only oil (or oil and oil-dispersants) versus those exposed only to oil-dispersants; this objection is phrased both in terms of the absence of any "dispersants only" class representative (thus raising issues about "typicality" under Rule 23(a)(3)) and in terms of the asserted need for a "dispersants only" subclass;

B. The Medical Benefits Settlement Agreement fails to address adequately persons who were exposed to oil or dispersants but who remain currently asymptomatic (these objectors may be asserting that the Settlement Agreement is in their judgment fatally underinclusive or that there should be a class representative and/or a subclass for such asymptomatic, but exposed, persons); and

C. Although the Medical Benefits Settlement Agreement presents itself as a response to "single event" disaster, there were in their view two separate and distinct events: (i) the Macondo well blowout and the resulting explosion, and resulting release of oil, and (ii) the allegedly inadequate containment efforts by the BP Parties, which either failed to halt the spread of the oil spill or exacerbated problems through the allegedly improper or negligent use of various containment techniques (including oil dispersants).

3. In my judgment, these objectors either misunderstand the legal requirements for class certification or the facts of this case (or both). But because several of these issues overlap, it is simplest to take the more recurring issues first. Thus, I will discuss in order: (a) the need for special class representatives; (b) the need for subclasses; (c) the status of those possibly exposed to "dispersants only"; (d) the status of asymptomatic, exposure-only claimants; and (e) the claim that this was a "dual event" mass disaster, which requires either subclassing or other special treatment for those injured by allegedly negligent or reckless remediation efforts by the BP Parties.

II. Typicality, Adequacy and the Need for Additional Class Representatives

4. The various objectors share in common the view that the Medical Benefits Settlement Agreement ignores or undervalues the special claims and status of their asserted subgroup (i.e., either (i) persons exposed only to oil dispersants, (ii) persons who are asymptomatic, but who were exposed to oil or dispersants, or (iii) persons injured during the remediation phase). To the extent that these persons are articulating any legally cognizable claim, it seems to be a claim that the Medical Benefits Settlement Agreement lacks a

representative who is "typical" of their injuries and can provide them with adequate representation.

5. Initially, it is important to understand that the class definition includes "individuals who were injured as result of exposure to oil and/or oil dispersing chemicals and/or decontaminants by virtue of their employment as workers cleaning the spill or because of their residence in certain coastal areas near the waters affected by the spill." (See Medical Class Action Complaint at Paragraph 5). Some eleven individuals serve as class representatives for this class, and eight of these eleven were clean-up workers (including persons employed in the Vessels of Opportunity (or "VoO") program). These eight clean-up workers were: Kip Plaisance, Jason Perkins, Max Plaisance, Benjamin Judah Barbee, Cornelius Divinity, Carlton Laster, George Baker and Duffy Hall. Mr. Divinity expressly alleges that:

> "As a result of his exposure to oil and/or dispersants, he experienced blurred vision, shortness of breath, and migraine headaches." (Medical Class Action Complaint at Paragraph 5(g)).

Thus, exposure to dispersants as a cause of injury is specifically alleged, and a large majority of the class representatives are clean-up workers, whose exposure most likely involved a mixture of oil and dispersants.[1]

[1] Of course, neither I nor any expert can prove that these clean-up workers were exposed in fact to oil and/or dispersants, but the point is that any rational clean-up worker would reasonably believe that he or she was exposed to both and thus would identify his or her own self-interests with that of those similarly exposed to both oil and dispersants. Thus, the interests of these eight clean-up workers (and certainly Mr. Divinity) are aligned with the interests of those exposed to oil and oil dispersants. The only remaining question is whether the interests of persons possibly exposed only to dispersants differ from those exposed to both oil and dispersants. This is, I believe, a scientific question on which the expert testimony is clear, as discussed below, and to the effect that there is no difference in terms of relative susceptibility to injury of these two groups.

6. The issue thus framed is whether persons who were exposed to both oil and dispersants (as the above eight representatives seemingly were) can satisfy the typicality standard under Rule 23(a)(3) and the adequacy standard under Rule 23(a)(4) for any hypothetical persons who may have been exposed only to dispersants (and not to oil). In the fullest, most extensive recent discussion of the typicality requirement in a Fifth Circuit decision, the district court in In re Heartland Payments Sys, 851 F. Supp. 2d 1040, 1054 (S.D. Tex. 2012), summarized the Fifth Circuit's standards in the context of a settlement class as follows:

> "Typicality, according to the Fifth Circuit, 'does not require a complete identity of claims. Rather, the critical inquiry is whether the class representative's claims have the same essential characteristics of those of the putative class. If the claims arise from a similar course of conduct and share the same legal theory, factual differences will not defeat typicality'" (quoting James v. City of Dallas, 254 F.3d 551, 571 (5th Cir. 2001).

In that case, which involved a nationwide class, the court found that, even in the face of substantial variation in state law, typicality and adequacy of representation were still satisfied where the claims "arise from a single course of conduct by" the defendant. *Id.* at 1055.

7. Here, where (1) there are no variations in state law, (2) we are focused on the conduct of the defendants over a much shorter period, and (3) the settlement agreement is uncapped, the interests of class members exposed to oil and those (if any) exposed only to dispersants appear to be fully aligned. This is so for several reasons: (1) Their interests are aligned because the class representatives are not subjectively aware of any difference between their positions and that of "dispersant only" victims (and so would logically act to maximize their common interests); (2) The class members (and their representatives) are not in any sense competing for a limited recovery, so the gain of one does not come at the expense of the other;

(3) The class representatives suffered in all relevant medical senses the same injury as that experienced by any "dispersants only" class members, because in both cases any injury was caused by exposure to petrochemicals that are for all practical purposes medically indistinguishable in effect; and (4) It is highly unlikely that any person exposed only to dispersants is aware of his or her unique status or believes that he or she has interests divergent from those exposed to a mixture of oil and dispersants. Hence, such a "dispersants only" subclass would be a phantom subclass with even its actual members looking instead to the leadership of class representatives exposed to both oil and dispersants, as this was the subclass to which they believed they belonged.

8. No objector has complained that he or she was exposed only to dispersants and not to oil. Although it is conceivable that there are such "dispersant only" victims, this does not pose an obstacle to class certification because the physical conditions manifested from exposure to oil and dispersant are the same, and thus the claim of an alleged dispersant-only exposure claimant is essentially no different from that of a claimant alleging exposure to oil or a mixture of oil and dispersant.

9. Here, I rely on the Affidavit, dated August 12, 2012, of David R. Dutton, Ph.D., a toxicologist who served as Industrial Hygiene Team Lead for the Gulf Coast Restoration Organization (Document 7112-2). He testified that "safety setbacks" were implemented under which "dispersant was not to be sprayed: (i) within two nautical miles ("nm") of any platform, rig, or vessel; (ii) within five nm of controlled burning activities, (iii) within five nm of the source-control area; or (iv) within three nm of the shore." (*Id.* at Paragraph 27). With one lone exception (involving an engine failure on a plane), all "aerial dispersant applications were applied greater than three nautical miles offshore, and 98% of the aerial dispersants were applied

greater than ten nautical miles offshore." *Id.* at Paragraph 28. In a Supplemental Declaration, dated October 22, 2012, Dr. Dutton further explains that oil-dispersants were used "to break up oil slicks observed on the surface of the Gulf of Mexico" and thus

> "[D]ispersants were not applied on land or to the surface of the Gulf of Mexico not observed to have dispersible oil slicks."

See Supplemental Declaration of David R. Dutton at Paragraph 35. Further, once applied to an oil slick, "the dispersants mix with and become inseparable from oil." *Id.* On the basis of these two declarations, exposure of humans on land exclusively to dispersants through aerial spraying seems unlikely, and any actual exposure would more likely come instead from contact with a mixture of oil and dispersants, which mixture could have resulted from a variety of response activities, including aerial spraying, vessel release and subsea release.

10. Hence, the vast majority of class members who were exposed to dispersants were exposed to a mixture of oil and dispersants (and so they are adequately represented by the eight class representatives who are clean-up workers and likely similarly exposed).

11. Even if class members were exposed only to dispersants and recognized their unique status, it still does not follow that they would need or want a "dispersants only" class representative or subclass. This is because, from a medical perspective, there are no relevant differences between these two populations. As Dr. Michael R. Harbut testifies in his Supplemental Declaration:

> "Both the oil and the chemical dispersants used in response to the oil spill are petroleum-based, and as such their biological reactivity would be expected to be essentially the same. As a physician, it would be virtually impossible to determine whether a patient's condition or symptoms were caused by exposure to oil, dispersants or both." Harbut Supplemental Declaration at Paragraph 7.

On this basis, the injury is more or less the same to both populations and their claim strengths do not differ.

II. The Asserted Need for Subclasses

12. If an additional class representative is not needed, there is even less need or justification for a special subclass. Equally important, any such subclass would raise serious problems as to its ascertainability. As I discuss at greater length in my companion declaration on the Economic Loss and Property Damages Settlement Agreement, subclassing is not required by the language of Rule 23, and is only appropriate when there are "fundamental" conflicts among class members that would deny one group adequate representation under Rule 23(a)(4). See In re Literary Works in Electronic Databases Copyright Litig., 654 F.3d 242, 249 (2d. Cir. 2011). Increasingly, courts have recognized that "subclassing often leads to more complex and protracted litigation." See Clarke Equip Co. v. Int'l Union, Allied Indus. Workers of Am., AFL-CIO, 803 F.2d 878, 880 (6th Cir. 1986). As the Sixth Circuit has recently warned in UAW v. GMC, 497 F.3d 615, 629 (6th Cir. 2007):

> "If every distinction drawn or not drawn by a settlement required a new subclass, class counsel would need to confine settlement terms to the simplest imaginable or risk fragmenting the class beyond repair."

13. Here, the fact that overshadows all other consideration is that this settlement is uncapped. Thus, the gain of any subgroup does not occur at the expense of any other subgroup and they all share a common interest in maximizing the recovery. The settlement grids in the Specified Physical Conditions Matrix ("SPCM") were established independently and without tradeoffs between different subgroups or symptoms. Exactly the opposite happened in In re

Literary Works, supra, where it was in the interest of some class members (and the class representatives) to shift funds from Category C to Categories A and B.

14. Moreover, special problems would arise under the ascertainability standard if we attempted to create subclasses. For example, a subclass for "dispersant only" victims would not be ascertainable because virtually all within this group would not know (and could not know) if they had been exposed only to dispersants or to a mixture of oil and dispersants. Yet, courts in the Fifth Circuit have long agreed with other Circuits that a class's membership must be readily ascertainable based on objective criteria if it is to be certified. See John v. Nat'l Sec. Fire & Cas. Co., 501 F.3d 443, 445 (5th Cir. 2007); In re Initial Public Offering Sec. Litig., 471 F.3d 34, 30 (2d Cir. 2006); Oshana v. Coca-Cola Co., 472 F.3d 506, 513 (7th Cir. 2006). Even if some class members believed they were only exposed to dispersants, this is a subjective determination on their part and insufficient to meet the objective ascertainability standard.

III. The Status of Asymptomatic Claimants

15. Some objectors challenge the provisions of the Medical Benefits Settlement Agreement that limit eligibility for compensation to persons manifesting the symptoms and conditions specified in the SPCM within not more than 72 hours after their exposure to oil and/or dispersants. Further, the Medical Benefits Settlement Agreement imposes cutoff dates of September 30, 2010 and December 30, 2010 for residents of Zone A and B, respectively. These objections appear to be partly to the fairness of these provisions and partly to the asserted need for better representation for asymptomatic persons who may subsequently develop symptoms specified in the SPCM that they attribute to exposure to oil and/or dispersants. Yet, the answer to both objections is that the class definition cannot be expanded in this manner without undermining the action's prospects for certification. Absent fixed cutoff dates, the class would

include future claimants, and this was the primary problem that caused the Supreme Court to reverse class certification in Amchem Products, Inc. v. Windsor, 521 U.S. 591 (1997). If the class were expanded to cover future claimants, a host of problems would follow. Not only would a subclass for future claimants probably be necessary under Amchem, but different notice procedures would also likely be necessary.

16. Worse yet, the scientific basis for establishing causation would collapse if symptoms or conditions that manifested themselves weeks or months after exposure to oil and/or dispersants were attributed to this exposure. This class action satisfies Rule 23 because of its deliberately close linkage between exposure and the manifestation of illness. As Dr. Harbut has noted in his prior declaration and in his Supplemental Declaration, the SPCM's short "time frames are based on sound science and link the condition or symptom to the exposure, in contrast to other causes."[2] Because the symptoms listed on SPCM are, sooner or later, experienced by a substantial fraction of the general population, it is only the close linkage in time (not more than 72 hours) plus the epidemiological evidence that these are the recognized reactions to exposure to oil and/or dispersants that together demonstrate causation. Sever that linkage and the proximate causation of each class member's injuries would become a more individualized issue that would likely bar a finding of predominance under Rule 23(b)(3). Nothing would work more to the advantage of those who do not want to see any class certified than extending the period over which often generalized symptoms were attributed to exposure to oil and dispersants.

17. Asymptomatic class members do gain significant benefits under the Medical Benefits Settlement Agreement, sharing equally in the PMCP and the BELO rights (which allow them to pursue litigation claims in the future if an injury does later manifest itself and they can

[2] See Harbut Supplemental Declaration at Paragraph 8. See also Harbut Declaration dated August 11, 2012 at Paragraphs 19, 26–33 and 35–38.

show causation). Rather than experience discrimination under this settlement, asymptomatic class members appear to do substantially better than if they had sued individually. In particular, as a result of this Court's Amended Order, entered on October 4, 2011 (Document 4209), in which this Court dismissed the claims of exposure-only plaintiffs,[3] it seems unlikely that such asymptomatic claimants could pursue any current individual claim. Thus, if they lack a cause of action, it follows inexorably that they have no valid claim for class representatives or a subclass of their own in this action. Ultimately, there is no need to debate whether asymptomatic claimants need better representation when they lack a valid cause of action to assert.

IV. A Single or Dual Event Disaster?

18. A final group of objectors (including the State of Louisiana) has argued that greater representation (whether through a class representative or subclassing) needs to be given to those injured by defendants' allegedly negligent remediation efforts. In effect, this objection sees the Deepwater Horizon Incident as not one event, but two: (1) the blowout, explosion and resulting release of oil, and (2) the allegedly slow or inadequate efforts at containment and remediation following the blowout. Here again, the basic response must be that, to the extent such a distinction is even feasible, no "fundamental" conflict or antagonism exists between class members injured at either stage. Because the settlement is uncapped, there is no reason or incentive for the class representatives to fail to represent either constituency zealously. Moreover, the high proportion of clean-up workers (eight out of eleven representatives) indicates that the interests of those individuals suffering injuries specified on the SPCM during the

[3] The Court ruled that "no action has accrued in favor of those plaintiffs who have not alleged an injury. Therefore, these plaintiffs have failed to state a cause of action, and all personal injury claims asserted by such plaintiffs must be dismissed." Document 4209 at 17–18.

remediation phase are unlikely to be ignored, or relegated to a lesser priority, because clean-up workers were by definition involved in the remediation.

19. Indeed, if these objectors believe that those claiming injury as a result of the remediation activities have been in some way discriminated against, the evidence is overwhelmingly to the contrary. Clean-up workers (who were, of course, active during the remediation) receive both medical consultation rights and the back-end opt out option—without the need to demonstrate any manifested injury prior to the September 30, 2010 or December 30, 2010 cutoff dates that apply to other class members. This responds appropriately to the likelihood that clean-up workers experienced a longer and more intense exposure to oil and dispersants than did residents in Zones A and B, but it hardly shows any discrimination against them. Moreover, the claims of those claiming injury as a result of the remediation are not likely to have greater legal strength (and thereby justify special representation), because these claimants are subject to at least the potential defense that decisions about containment and remediation were actually made at this stage by the Federal On Scene Command ("FOSC").[4] Thus, in terms of relative claim strength, I see no reason to believe that those injured at the later stages have inherently stronger claims that justify separate or special representation.

20. Finally, in determining whether lines need to be drawn through the class and whether the Deepwater Horizon Incident should be subdivided into two components—(1) the blowout, and (2) the containment and remediation phase—, it is certainly useful to examine what has been done in the case of other, recent oil spill class actions. Here, two cases are particularly instructive: (1) Petrovic v. Amoco Oil Co., 200 F.3d 1140 (8th Cir. 1999); and (2) Turner v. Murphy Oil Co., 234 F.R.D. 597 (E.D. La. 2006).

[4] I do not mean to endorse , or even evaluate, this defense, but just note that it was plainly foreseeable.

21. In Petrovic, the Eighth Circuit rejected demands for subclassing made by objectors who argued that they had been deprived of adequate representation. The settlement agreement in Petrovic divided the over 5,000 member class into three zones (Zones A, B, and C) based on class members' proximity to the source of underground oil seepage originating from an Amoco Oil refinery. Although residents of each zone received a different level of compensation (which was only contingent in the case of Zone C), no subclasses were created, and the Eighth Circuit rejected the challenge of objectors seeking such subclasses. The Eighth Circuit read the major precedents—Amchem Products, supra, and Ortiz v. Fibreboard Corp., 527 U.S. 815 (1995)—as being primarily motivated by a fear of "the possibility of 'collusion between class counsel and the defendant.'" 200 F.3d at 1146. In contrast, the Eighth Circuit saw no danger of such collusion on the facts before it and also emphasized that class representatives came from each of the three zones. It summarized:

> "We see no analogous conflict in our case. Each property owner stands to gain from Amoco's agreement to compensate landowners for damage already sustained to property, and from Amoco's undertaking steps to revitalize the community and increase property values."
> *Id.* at 1147–1148.

It also stressed that all class members had similar "remedial needs" without any "substantial difference" between them. One could easily delete the words "Amoco Oil" from these passages and substitute the words "the BP Parties," and the language and logic would apply equally. Whether class members in the instant case resided in Zone A or Zone B or whether they were injured by oil and dispersants released early or later, the class members in the instant case had in common approximately the same "remedial needs," and hence no fundamental conflict or antagonism existed among them. Here, as in Petrovic, the case for subclassing has not been

made by simply showing some difference in position. Even more than the Eighth Circuit, the Fifth Circuit has recognized that a difference does not imply a conflict. See Mullen v. Treasure Chest Casino LLC, 186 F.3d 620, 626 (5th Cir. 1999).

22. In Turner v. Murphy Oil Co., supra, the court was faced with a number of consolidated class actions seeking recovery for both economic and business losses and personal injuries caused by an oil spill that occurred in the wake of Hurricane Katrina. The Environmental Protection Agency had classified "the oil contamination as either heavy, medium or light within" an "oil-plume perimeter" (*Id.* at 602). Still, no subclasses were created.

23. Although the action was based on Louisiana law, it essentially asserted gross negligence, negligence and certain strict liability theories. Defendants asserted that "plaintiffs' homes and businesses received . . . different amounts of oil contamination" and that the personal injury claims "do not share common issues of law or fact." *Id.* at 604. Nonetheless, the court easily found the commonality requirement satisfied:

> "That requirement is clearly met in this case which involves a single accident. These are just a few of the central issues that will affect all or most of the class members: whether Murphy Oil failed to properly maintain Tank 250-2, whether Murphy Oil had adequate hurricane safety plans, and whether those plans were carried out during Hurricane Katrina, and whether the affected areas will experience any long-term contamination. While Plaintiffs' claims will involve some individualized determinations regarding the amount of damage suffered, if any, there are enough common issues regarding Defendant's liability that class treatment would be appropriate under Rule 23." *Id.* at 604.

24. Turner v. Murphy Oil was in fact a far more ambitious class action in scope than this case, because it combined personal injuries and economic losses into one class action. Plaintiffs identified six class representatives, all of whom alleged "either business or residential

property damage as a result of the discharge of oil from Murphy's refinery, and several allege personal injury." *Id.* at 605. Despite this broad scope, the court found "predominance" satisfied for purposes of Rule 23(b)(3), saying:

> "The great factual similarities between the Plaintiffs' claims merit a finding of predominance here. All, or the great majority, of Plaintiffs . . . have alleged exposure to the same contaminant, crude oil." *Id.* at 607.

Again, one could substitute "the BP Parties" for "Murphy Oil" in these passages without substantial distortion to the facts of this case.

25. Neither in Petrovic nor Turner was subclassing required, although in both there was substantial variation in the degree of oil contamination, and, particularly in Turner, the class period extended through a remediation phase after the initial spill. Little reason, if any, seems apparent why this Court should deviate from the practice of these courts in avoiding unnecessary subclassing.

V. CONCLUSION

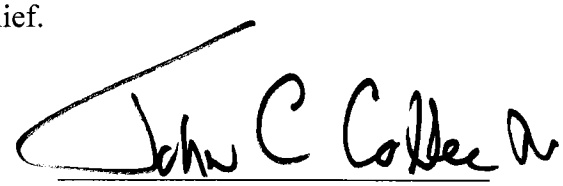
26. A common theme runs throughout this declaration: the dangers of excessive fragmentation. The Third Circuit captured this theme well in In re Cendant Corp. Sec. Litig., 404 F.3d 173 (3d Cir. 2005), where it wrote (citing this declarant):

> "While subclasses can be useful in preventing conflicts of interest, they have their drawbacks. One leading expert writes:
>
> > If subclassing is required for each material legal or economic difference that distinguishes class members, the Balkanization of the class action is threatened. Such a fragmented class might be unmanageable, certainly would reduce the economic incentives for legal entrepreneurs to act as private attorneys general, and could be extremely difficult to settle if each subclass (and its attorney) had an incentive to hold out for more."

John C. Coffee, Jr., *Class Action Accountability: Reconciling Exit, Voice, and Loyalty in Representative Litigation,* 100 Colum. L. Rev. 370, 398 (2000). In short, a class action containing a multitude of subclasses loses many of the benefits of the class action format.

27. Worse than this, a class that represented all the interests that objectors have asked this class to represent (i.e., asymptomatic plaintiffs and persons with delayed injuries not closely related to the time of their exposure) would almost certainly not be certifiable. At their worst, the objectors have offered a prescription for failure. At their best, the objectors have alleged that there are differences within the class. But differences do not imply conflicts. Nothing has been alleged that even hints at the real conflicts that were present in Amchem Products or Ortiz. None of the above-described objections changes my opinion and conclusion that class certification is entirely proper under Rule 23.

I declare under the penalties of perjury that the foregoing analysis and opinions are true and correct to the best of my knowledge and belief.



October 22, 2012 John C. Coffee, Jr.

Exhibit 3

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	* * * * * * * * * *	**MDL NO. 2179** **SECTION: J** **HONORABLE CARL J. BARBIER** **MAGISTRATE JUDGE SHUSHAN**
Plaisance, *et al.*, individually and on behalf of the Medical Benefits Settlement Class, **Plaintiffs,** **v.** **BP Exploration & Production Inc., *et al.*,** **Defendants.**	* * * * * * * * * * * * * * * * * * * *	**NO. 12-CV-968** **SECTION: J** **HONORABLE CARL J. BARBIER** **MAGISTRATE JUDGE SHUSHAN**

DECLARATION OF MATTHEW GARRETSON

I, Matthew Garretson, am over twenty-one years of age and of sound mind and body. This declaration is based on my personal knowledge.

1. I am the Founding Partner and Chief Executive Officer at Garretson Resolution Group ("GRG"), the court appointed Claims Administrator for the Medical Benefits Class Action Settlement.

2. Pursuant to Section XXI.B of the Medical Benefits Class Action Settlement Agreement, as amended ("Medical Settlement Agreement") and Paragraph 1 of this Court's May 10, 2012 Order (Rec. Doc. 6505), BP provided GRG with certain databases, data files, data

collections, and other documentary evidence in its possession, custody, or control. The databases provided by BP include:

a. The "Medical Encounters" database, which is in Excel format and contains information concerning Clean-Up Workers who visited medic stations funded by BP and made available to Clean-Up Workers;

b. The underlying documentation and records from which the "Medical Encounters" database was created, which files exist in both pdf format and paper copies;

c. The database identifying "Badged Workers," which is derived from the "Incident Action Plan" database, is in Excel format, and contains information concerning those individuals who received a badge that allowed them access to areas where Response Activities were taking place;

d. The "Training" database, which is in Excel format and contains information concerning individuals who received training provided by BP and or/its contractors that was required in order to allow those individuals to be hired as Clean-Up Workers;

e. Those portions of the "Traction" database, which is in Excel format, that contain information about injuries and illnesses reported by Clean-Up Workers during the performance of Response Activities;

f. The underlying documentation and records from which those portions of the "Traction" database were created, which documentation and records exist in both pdf format and paper copies;

g. The "Injury and Illness" database, which is in Excel format and contains information about injuries and illnesses reported by Clean-Up Workers during Response Activities;

h. The underlying documentation and records from which those portions of the "Injury and Illness" database were created, which documentation and records exist in pdf format and paper copies;

i. Documentation and records, including invoices, containing the identity of organizations that participated in the recovery, transport, and decontamination of wildlife during Response Activities;

j. Documentation and records identifying contractors retained by BP to perform Response Activities and individuals who performed Response Activities, including "Industrial Hygiene Monitoring" spreadsheets and "Time History Reports" for those who were being monitored;

k. Documentation and records, including invoices, from ambulance companies; and

l. "Persons on Board" lists for vessels that were engaged in Response Activities.

3. Upon receipt of this data, GRG created a searchable electronic repository that contains more than 70,000 documents provided by BP to assist in verification of class member status and to respond to Data Disclosure requests from Class Members.

4. GRG also implemented a mapping tool for determination whether addresses provided by a purported Class Member are in Zone A or Zone B, as defined in Sections II.XXXX. and II.ZZZZ of the Medical Settlement Agreement, described in Exhibit 9, and depicted in Exhibits 10 and 11 to the Medical Settlement Agreement.

5. I directed a member of GRG's staff, under my supervision, to search the electronic repository of BP databases for certain individuals who objected to the Medical Settlement Agreement to determine whether those individuals are identified in the databases provided by BP. As set forth in Section XXI.D of the Medical Settlement Agreement, an individual's inclusion on certain databases can be used to establish his or her status as a Clean-Up Worker, as defined in Section I.Q of the Medical Settlement Agreement.

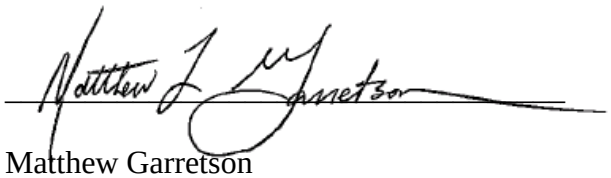
6. I directed a member of GRG's staff, under my supervision, to use the mapping tool to search for the Zone status of the addresses identified in the objections. For those objectors represented by counsel, I directed a member of GRG's staff, under my supervision, to use the mapping tool to search for the Zone status of the addresses for the individuals that were provided by the objectors and, where applicable, their counsel.

7. Pursuant to Paragraph 29 of the Court's Order Preliminary Approving the Medical Settlement Agreement (Rec. Doc. 6419) and Section XI.E of the Medical Settlement Agreement, individuals who wish to opt-out of the Medical Benefits Class Action

Settlement were directed to submit requests to opt-out to GRG. As of Friday, October 19, 2012, GRG has received requests to opt-out from 153 individuals. I directed a member of GRG's staff, under my supervision, to review all 153 opt-outs to determine whether any of the objectors to the Medical Settlement Agreement submitted an opt-out request.

8. As set forth in Exhibit A to this Declaration, the information and documentation provided by the objectors and, where applicable, their counsel do not establish class membership for any of the objectors listed on Exhibit A.

9. I directed a member of GRG's staff, under my supervision, to review the Proof of Claim Forms that have been received by GRG. The information and documentation provided by the objectors and, where applicable, their counsel establish that: (a) Four objectors have submitted Proof of Claim Forms to GRG; and (b) at least thirty Proof of Claim Forms have been submitted by law firms who have also filed objections to the Medical Settlement Agreement, of which at least twenty-six have been submitted by Nexsen Pruet, LLC and/or Douglas M. Schmidt, APLC, and at least four have been submitted by Lindsay & Andrews, P.A.



Matthew Garretson
Garretson Resolution Group, Inc.

Executed on October 22, 2012

EXHIBIT A

Objector Name	Attorney	Record Number in Docket 10-7777	Reason(s) Objector Appears Not to be a Class Member
Boggs, Charles Archibald	Boggs, Loehn & Rodrigue	Rec. Doc. 41	Opt Out (signed Aug. 14, 2012); no address provided in Zone B; no proof he is a Clean-Up Worker
Bartlette, Ilease	Pro se	Rec. Doc. 51	No address provided in Zone A or B; no proof she is a Clean-Up Worker
Salgado, Enrique	The Sterbcow Law Group, LLC	Rec. Doc. 92	No address provided in Zone A or B; no proof he is a Clean-Up Worker
McCaffery, Linda Mary	Frank J. D'Amico, Jr. APLC	Rec. Doc. 158	No address provided in Zone A or B; no proof she is a Clean-Up Worker
Elrod, Jared Shane	Becnel Law Firm, LLC	Rec. Doc. 180	Claims in objection not to be a class member; provided multiple addresses, of which none was in Zone B and the two addresses that were in Zone A only document stays less than 2 weeks; no proof he is a Clean-Up Worker
Llewallen, Kevin Scott	Pro Se	Rec Doc. 182	Provided multiple addresses in objection, of which none were in Zone B and only one in Zone A, but that was only during Nov. 2011 - Jan. 2012; no address provided in Zone B; no proof he is a Clean-Up Worker
Norwood, Margaret	Smith Stag, L.L.C.	Rec. Doc. 185	Claims in objection not to be a class member; no address provided in Zone A or B; no proof he is a Clean-Up Worker
Taylor, Mary S.	Smith Stag, L.L.C.	Rec. Doc. 185	Claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Aguinaga, Stephane	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Oct. 15, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Aguinaga, Steven Ray	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Oct. 15, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof he is a Clean-Up Worker
Baird, Bryan Joshua	Smith Stag, L.L.C.	Rec. Doc. 202	Claims in objection not to be a class member; no address provided in Zone A or B; no proof he is a Clean-Up Worker
Boatright, Michael E.	Smith Stag, L.L.C.	Rec. Doc. 202	Claims in objection not to be a class member; no address provided in Zone A or B; no proof he is a Clean-Up Worker
Boyles, Patricia Diane	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 30, 2012; received by Smith Stag on Sep. 6, 2012); claims in objection not to be a class member; no

			address provided in Zone A or B; no proof she is a Clean-Up Worker
Danos, Janice Marie	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Oct. 12, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Danos, Jorey Tristan	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 22, 2012; received by Smith Stag on Aug. 31, 2012); no address provided in Zone A or B
Danos, Richard Thomas	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 24, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof he is a Clean-Up Worker
Hatcher, Danny Veryle	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 23, 2012; received by Smith Stag on Aug. 31, 2012); no address provided in Zone A or B
Hill, Robyn	Smith Stag, L.L.C.	Rec. Doc. 202	Claims in objection not to be a class member; no address provided in Zone A or B; no proof she is was a Clean-Up Worker
Howell, Frank Morris	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 24, 2012; received by Smith Stag on Aug. 31, 2012); no address provided in Zone A or B
Kolian, Stephan Richard	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Oct. 11, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof he is a Clean-Up Worker
Landrieu, David Joseph	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 27, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof he is a Clean-Up Worker
Landrieu, Kimberly Ann Flair	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Oct. 10, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Maneen, Rachel Renee	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 27, 2012; received by Smith Stag on Aug. 31, 2012); no address provided in Zone A or B; no proof she is a Clean-Up Worker
Martin, Chris Albert	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signature date cannot be read on opt-out; received by Smith Stag on Aug. 15, 2012); no address provided in Zone B; no proof that he is a Clean-Up Worker; address provided in Zone A but not asserting a Specified Physical Condition
Martin, Jennifer	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Oct. 10, 2012; received by Smith Stag on Oct. 15, 2012); claims in objection not to be a class member; no

			address provided in Zone B; no proof she is a Clean-Up Worker; address provided in Zone A but not asserting a Specified Physical Condition
Morgan, James L.	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 24, 2012; fax transmittal dated Aug. 25, 2012); no address provided in Zone A or B
Richoux, Denise Malcombe	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 24, 2012); no address provided in Zone B; no proof she is a Clean-Up Worker
Rye, Patricia Maria	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 23, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Schexnayder, Gary Lane	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Oct. 10, 2012); no address provided in Zone A or B
S., K. Ju.	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 23, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
S., K. Jo.	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 23, 2012); claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Shearon, Jr., Ronald Franklin	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 23, 2012; received by Smith Stag on Aug. 24, 2012); no address provided in Zone A or B
Tickell, Rebecca Harrell	Smith Stag, L.L.C.	Rec. Doc. 202	Claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Turner, Gregory Scott	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 27, 2012); no address provided in Zone A or B
Vaughan, Jeff R.	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 25, 2012; received by Smith Stag on Aug. 31, 2012); no address provided in Zone A or B; no proof he is a Clean-Up Worker
Vaughan, Rochelle	Smith Stag, L.L.C.	Rec. Doc. 202	Claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Walker, Allen Eugene	Smith Stag, L.L.C.	Rec. Doc. 202	Opt Out (signed Aug. 10, 2012); claims in objection not to be a class member; no address provided in Zone A or B;
Walker, Roxanne A.	Smith Stag, L.L.C.	Rec. Doc. 202	Claims in objection not to be a class member; no address provided in Zone A or B; no proof she is a Clean-Up Worker
Canipe, Matthew Judson	Pro se	Rec. Doc. 203	No address provided in Zone A or B; no proof he is a Clean-Up Worker

McLane, Timothy Patrick	Pro se	Rec. Doc. 205	No address provided in Zone A or B; no proof he is a Clean-Up Worker
Lucas, Deborah	Pro se	Rec. Doc. 236	No address provided in Zone A or B; no proof she is a Clean-Up Worker
Adams, Barbara L.	Pro se	Rec Doc. 243	Opt-Out (postmarked Aug. 14, 2012); no address provided in Zone A or B

Exhibit 4

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	* * * * * * * * *	**MDL NO. 2179** **SECTION: J** **HONORABLE CARL J. BARBIER** **MAGISTRATE JUDGE SHUSHAN**
Plaisance, *et al.*, individually and on behalf of the Medical Benefits Settlement Class, **Plaintiffs,** **v.** **BP Exploration & Production Inc., *et al.*,** **Defendants.**	* * * * * * * * * * * *	**NO. 12-CV-968** **SECTION: J** **HONORABLE CARL J. BARBIER** **MAGISTRATE JUDGE SHUSHAN**

SUPPLEMENTAL DECLARATION OF BERNARD D. GOLDSTEIN, M.D.

I, Dr. Bernard Goldstein, am over twenty-one years old and of sound mind and body. My declaration is based on personal knowledge, and, if called to testify, I could testify to the matters set forth in this declaration:

1. On August 2, 2012, I provided a declaration to this Court regarding the activities of the Gulf Region Health Outreach Program (the "Program" or "Outreach Program") that is a component part of the Medical Benefits Class Action Settlement.

2. I provide this declaration to update the Court regarding the Program's activities and progress since August 2, 2012.

3. On August 30, 2012, an additional $15,949,082 was distributed to the Program, bringing the total funding distributed to the Program to $20,732,508 since June 2012. The next distribution for the Outreach Program, totaling $33,191,716, is due to be made on or before June 1, 2013.

4. Over the last two months, the projects in the Outreach Program have made significant progress in planning and implementing their operations. Specifically, the following activities have occurred:

a) Mental and Behavioral Health Capacity Project ("MBHCP")

1. The MBHCP in Louisiana is providing supplemental therapeutic services in federally qualified health centers ("FQHCs") and community clinics in three parishes, with two more parishes to be added by the end of the year. The Program is providing supportive strength-based services in five parishes – seven schools and the Youth Leadership Program in St. Bernard, three schools in lower Plaquemines, four schools in Lafourche, four schools in Terrebonne, and one school in New Orleans East. The Program has already had 73 psychiatric and psychological service contacts in clinics, 3,855 mental and behavioral health screenings in collaboration with schools, 150 individual and group consultations in schools, 115 individual and group psychotherapy services in schools and 50 hours supervising clinic trainees and staff. In addition, integrated on-site and tele-psychiatry services are being established to support the work in clinics.

2. As part of MBHCP in Florida, the University of West Florida is working closely with the FQHC in Escambia County and has started integrating, through qualified personnel, mental and behavioral health within the pediatric clinic. The Program also has worked with the Santa Rosa County School District to integrate services into schools for prevention, early identification, and intervention of mental and behavioral health issues. The Program has integrated services into the adult primary care clinic in Bay County's FQHC to perform assessments and intervention. Qualified personnel have also been placed into local hospitals to help identify and direct low-income, under-insured, un-insured patients to the local FQHC to establish a primary care relationship. Finally, all Program service providers have completed the 20-hour web-based course in trauma-focused, cognitive-based therapy ("TF-CBT") offered by the Medical University of South Carolina and are now certified in TF-CBT.

3. The MBCHP in Alabama, in conjunction with the Community Health Worker Training Project, established the Coastal Resource and Resiliency Center at the University of South Alabama to provide interdisciplinary resiliency and disaster related expertise, high-quality training and educational programs and mental, behavioral and community health services for communities along the entire Northern Gulf of Mexico region. As a result of

extensive collaboration with key community stakeholders, initial team members from MBHCP in Alabama have been placed in three important Program-related settings – Mobile County School System, Baldwin County School System, and the Mobile County Health Department/FQHC. The team is providing, and soon will be expanding its efforts to provide, innovative, best practice, interdisciplinary mental and behavioral health services and continuing education to increase the availability of mental health professionals in Lower Alabama.

4. As part of the MBHCP in Mississippi, the Program has completed the hiring of its leadership team. The Program has advertised and will soon hire four additional licensed clinical social workers. The Program is working with Coastal Family Health and the Louisiana Public Health Institute to put in place a critically needed electronic medical records system for Coastal Family Health. The Program has put together two screening assessment tools that it will use to assess children and adults at Coastal Family Health clinics, as well as other clinics across the four-state region.

b) Primary Care Capacity Project ("PCCP"):

1. The PCCP created a selection process, in partnership with the Louisiana Primary Care Association, by which the communities of Jean Lafitte, Barataria, and Crown Point can secure a provider of high quality, primary care to serve their needs.

2. The PCCP is conducting community health assessments for the 17-parishes and counties covered by the Program. These assessments will help the Program prioritize activities and will serve as a baseline for the evaluation of the Program moving forward.

3. The PCCP is developing a funding plan to increase and improve the health services at the NOELA Community Health Center, which serves the needs of the Vietnamese community, especially "fisherfolk" and their families affected by the Deepwater Horizon Spill.

4. The PCCP developed, and is validating for field-use, a rigorous assessment process that will review FQHCs in the region to determine current clinic capacity, funding priorities, and technical assistance needs.

5. The PCCP is working in close collaboration with the Alliance Institute to formulate plans for active community engagement and involvement as the integrated health programs come together across the Gulf Coast.

c) Environmental Health Capacity and Literacy Project ("EHCLP")

1. In collaboration with the Association of Occupational and Environmental Clinics ("AOEC"), the first of three case studies in environmental medicine ("CSEM") is being developed with a special focus on seafood consumption. AOEC has also undertaken the initial steps to establish the environmental specialty referral

network in Louisiana that will link primary care providers with specialists in environmental medicine. In addition, the EHCLP, in collaboration with the Community Health Worker Training Project of the Outreach Program, is developing the first competency-based community health worker curriculum to be used to train community health workers. Trained community health workers, whose role is to link communities to needed health care, will be placed in FQHCs and other community health clinics providing frontline care to Gulf Coast communities.

d) Community Health Workers Training Program ("CHWTP")

1. In addition to its work with the Alabama MBHCP and the EHCLP described above, the CHWTP has hired key staff members and is developing its comprehensive website. The Program has formulated a basic set of competencies for clinical health workers and established a series of training content modules.

5. The benefits of the Outreach Program are already being experienced throughout the Gulf Coast. Current activities are improving the region's healthcare infrastructure and increasing access to care for all members of the community. Each of the projects has begun and will continue to build a comprehensive, integrated and sustainable network of healthcare providers across the Gulf region. These efforts are benefiting the Gulf Coast communities today and will continue to benefit residents throughout the course of the Program and beyond.

I declare under penalty of perjury that the foregoing is true and correct, and, if called to testify, I could testify to the matters set forth in this declaration.

Date: October 18, 2012

Bernard D. Goldstein, MD