

**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 filing relates to: *All Cases*
(including Civil Action No. 12-970)**

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

ORDER

**[Approving Procedure for the Processing by the Claims Administrator
of the Deepwater Horizon Medical Benefits Class Action Settlement of Claims on Behalf of
Class Members Who are Deceased, Minors, Lacking Capacity or Incompetent]**

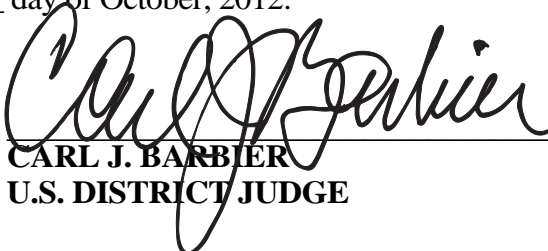
CONSIDERING the request by Garretson Resolution Group, the Claims Administrator of the Medical Benefits Class Action Settlement (the “Claims Administrator”) for entry of an Order in aid of implementation of the Court Supervised Settlement Program, pursuant to this Court’s continuing and exclusive jurisdiction under Section XXVII of the Medical Benefits Class Action Settlement Agreement and Section F of the May 2, 2012 Preliminary Approval Order (Document No. 6419), and being fully apprised,

IT IS HEREBY ORDERED as follows:

1. The Procedure submitted by the Claims Administrator is approved to govern the process by which the Claims Administrator will process and pay claims asserted by the Authorized Representatives of Class Members who are deceased, minors, lacking capacity, or incompetent.

2. This Court retains continuing and exclusive jurisdiction over the interpretation, implementation, and enforcement of this Order.

New Orleans, Louisiana, this 17th day of October, 2012.



CARL J. BARBIER
U.S. DISTRICT JUDGE

DEEPWATER HORIZON MEDICAL BENEFITS CLASS ACTION SETTLEMENT COURT APPROVED PROCEDURE			
Court Approved Procedure Number	1	Effective Date	_____, 2012
Subject	Court Approval of the Resolution of Claims on Behalf of Class Members who are Deceased, Minors, Lacking Capacity, or Incompetent		

1. **Defined Terms.** All undefined terms used in this Procedure shall have the same meanings given to such terms in the Medical Benefits Class Action Settlement Agreement (as amended on May 2, 2012) (“Medical Settlement Agreement”).

2. **The Purpose of this Procedure.** This Procedure defines the process by which the Claims Administrator will process and pay the claims of Class Members who are deceased, minors, lacking capacity, or incompetent.

3. **Certification of Authority to Represent Class Members who are Deceased, Minors, Lacking Capacity or Incompetent.** Pursuant to Section II.G of the Medical Settlement Agreement, an Authorized Representative for a Class Member who is deceased, a minor, lacking capacity, or incompetent is the guardian, conservator, tutor, executor, personal representative, administrator, or other representative authorized under or by operation of applicable law to protect the rights and interests of that Class Member. The procedures governing the Proof of Claim Form provide that a purported Authorized Representative (or Representatives) provide documentary proof of the authority to act on behalf of the Class Member who is deceased, a minor, lacking capacity, or incompetent. In processing and paying the claims of those Class Members, the Claims Administrator is authorized to rely upon the documentary proof submitted and representations made in support of that authority.

4. **Federal Court Approval.** If a claim on behalf of a Class Member who is deceased, a minor, lacking capacity, or incompetent is found payable, the Claims Administrator shall prepare a motion to file with the United States District Court for the Eastern District of Louisiana, requesting that the court issue an order of approval, approving the settlement. The Claims Administrator and the Class Member’s Authorized Representative(s) shall file the motion jointly with the court. The motion shall ask the federal court to enter an order of approval stating that:

- (a) The settlement of the claim for the payment amount is fair, reasonable, adequate, and in the case of a minor Class Member, is in the best interests of that Class Member.
- (b) The Claims Administrator shall make the payment to the Class Member’s Authorized Representative(s), payable to the estate of the Class Member or via an alternate method authorized under applicable state law (if deceased), or for the benefit of the Class Member (if a minor, incapacitated, or incompetent), in accordance with applicable state law, free from any liability for making such payments under this Order. The Class Member’s Authorized Representative(s) shall distribute the amount in accordance with applicable state law.

- (c) The Release as set forth in the Medical Settlement Agreement and the release, indemnifications, and settlement conditions in Section X of the Proof of Claim Form signed by the Class Member's Authorized Representative(s) are fully binding on the Class Member, the Class Member's Authorized Representative(s) and all persons who may claim any damages by or through any relationship with the Class Member.
- (d) Any future settlements and payments on claims on behalf of the Class Member made in accordance with the Settlement Agreement are approved as fair, reasonable and adequate, and in the case of minors, are approved as being in the minors' best interests. The Claims Administrator shall issue payment on such claims to the Class Member's Authorized Representative(s), payable to the estate of the Class Member or via an alternate method authorized under applicable state law (if deceased), or for the benefit of the Class Member (if a minor, incapacitated, or incompetent), in accordance with applicable state law, and such Authorized Representative shall distribute such funds in accordance with applicable state law.

5. ***Manner and Distribution of Payment.*** After the Claims Administrator receives a copy of the federal order of approval and a Release executed by the Class Member's Authorized Representative(s), the Claims Administrator shall issue payment to the Authorized Representative(s), payable to the estate of the Class Member or via an alternate method authorized under applicable state law (if deceased), or for the benefit of the Class Member (if a minor, incapacitated, or incompetent), in accordance with applicable state law. After such payment, the Claims Administrator shall have no further liability to the Authorized Representatives, the Class Members, or any other person relating to the claim giving rise to this payment or to any future payments made to the representative under the Settlement Agreement.

6. ***Implementation of this Procedure.*** The Claims Administrator has the discretion to adopt and/or administer any steps necessary to implement this process.

7. ***Amendments to this Procedure.*** Any amendments to this procedure shall be subject to Court approval.

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* MDL NO. 2179
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* SECTION: J
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* JUDGE CARL J. BARBIER
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* MAGISTRATE JUDGE SHUSHAN
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**JOINT MOTION FOR APPROVAL OF SETTLEMENT OF CLAIM UNDER THE
MEDICAL BENEFITS CLASS ACTION SETTLEMENT AGREEMENT**

The Authorized Representative(s) of [Name of Class Member], a Class Member who is [deceased, a minor, lacking capacity, or incompetent], and the Claims Administrator of the Deepwater Horizon Medical Benefits Class Action Settlement respectfully move this Court to (1) approve the settlement of the claim filed on behalf of [Name of Class Member] for [dollar amount of claim] as fair, reasonable and adequate, [and in the best interests of the minor] and (2) approve all future settlements on behalf of this Class Member in compliance with the Medical Benefits Class Action Settlement Agreement as fair, reasonable and adequate [and in the best interests of the minor].

A proposed Order accompanies this Motion.

[Date]

Respectfully submitted,

/s/ _____

/s/ _____

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	*	
	*	MAGISTRATE JUDGE SHUSHAN
	*	

**ORDER APPROVING SETTLEMENT OF
MEDICAL BENEFITS CLASS ACTION SETTLEMENT CLAIM**

Now before the Court is the Joint Motion for Approval of Settlement of Claim Under the Medical Benefits Class Action Settlement Agreement by the Authorized Representative(s) of [Class Member’s Name], a Class Member who is [deceased, a minor, lacking capacity, or incompetent] and the Claims Administrator of the Deepwater Horizon Medical Benefits Class Action Settlement (“Claims Administrator”).

The Court makes the following findings:

1. The Class Member’s claim was submitted to the Claims Administrator by [Name of Authorized Representative(s)], who has certified that [he],[she] [they] is [are] fully authorized to bring the claim and to resolve it and execute a Release on behalf of the Class Member and all other persons who may claim any damages by or through any relationship with the Class Member (“Derivative Claimants”).
2. The Claims Administrator has reviewed the claim in accordance with the Deepwater Horizon Medical Benefits Class Action Settlement Agreement (“Medical Settlement Agreement”) and has calculated the payment amount of [\$] (“Payment Amount”) as payable on such claim.

3. The Class Member's Authorized Representative(s) has [have] accepted the payment amount as the full resolution of the Class Member's claim and has executed a Full and Final Release, Settlement and Covenant Not to Sue ("Release") on such claim.

Accordingly, the foregoing Motion is GRANTED AND IT IS HEREBY ORDERED AND DECLARED THAT:

1. The settlement of the Class Member's claim for the payment amount is approved as fair, reasonable and adequate [and in the best interests of the minor].
2. The Claims Administrator shall distribute the amount to the Class Member's Authorized Representative(s), payable to the estate of the Class Member or via an alternate method authorized under applicable state law (if deceased), or for the benefit of the Class Member (if a minor, lacking capacity, or incompetent) in accordance with state law, free from any liability for making such distributions under this Order.
3. The Class Member's Authorized Representative shall distribute such funds in accordance with applicable state law.
4. The Release as set forth in the Medical Settlement Agreement and the release, indemnifications, and settlement conditions in Section X of the Proof of Claim Form signed by the Class Member's Authorized Representative(s) are fully binding on the Class Member, the Class Member's Authorized Representative(s) and all Derivative Claimants of the Class Member.
5. Any future settlements and payments on claims on behalf of the Class Member made in accordance with the Medical Settlement Agreement are approved as fair, reasonable and adequate [and in the best interests of the minor]. The Claims Administrator shall issue payment on such claims to the Class Member's Authorized Representative(s), payable to the Class Member's estate or via an alternate method authorized under applicable state law (if deceased), or for the benefit of the Class Member (if a minor, lacking capacity, or

incompetent) in accordance with state law, and such Authorized Representative shall distribute such funds in accordance with applicable state law.

ORDERED this ____ day of _____, 20__.