

SJR

18

TEN-YEAR TIMELINE OF EXXON VALDEZ LITIGATION

- March 24, 1989: Exxon Valdez grounds on Bligh Reef and spills 11 million gallons of crude oil.
- May 2, 1994: Trial begins in federal court - +5 years after spill.
- September 16, 1994: Jury in federal court returns \$5 billion punitive damages verdict in Phase III of case.
- September 30, 1994: Exxon files 12 motions to overturn the jury verdicts.
- October 3, 1994: Exxon files 3 motions to overturn the jury verdicts.
- January 27, 1995: Judge Holland denies Exxon's motions to overturn the jury verdicts (Order 267).
- February 7, 1995: Exxon files motion asking to depose the jurors and a motion to adjust the Phase IIA verdict.
- February 7, 1995: Exxon files motion to reconsider the order re: chum price and to reconsider order re: UCI setnetter harvest.
- May 5, 1995: Judge Holland denies Exxon's motion to reconsider the jury verdict regarding chum salmon price.
- June 13 and 14, 1995: Judge Holland conducts jury interviews.
- July 12, 1995: Exxon files motion to depose Juror Rita Wilson and Reporter Natalie Phillips.
- July 12, 1995: Exxon seeks access to Jurors Murray and Dean original juror questionnaires filed under seal.
- August 11, 1995: Judge Holland denied Exxon's motion for the juror questionnaires.
- August 16, 1995: Judge Holland denied Exxon's motion to depose Wilson and Phillips.
- September 6, 1995: Exxon files motion for a new trial claiming juror misconduct and coercion.
- October 24, 1995: Exxon files motion to amend the Phase II(a) findings and adjust verdict re: UCI setnetters.
- October 24, 1995: Exxon files motion attacking punitive damages verdict.

- November 13,1995: Exxon opposes Plaintiffs' motion to finalize the Phase IIA verdict.
- February 14,1996: Plaintiffs are served with a complaint for declaratory relief from the Seattle Seven seeking a percentage of plaintiffs' damages on behalf of Exxon
- February 20,1996: Judge Holland denies Exxon's motion for new trial based on possible juror misconduct and coercion (Order 308).
- March 6, 1996: Seattle Seven intervene in litigation on behalf of Exxon.
- March 18, 1996: Exxon files motion attacking punitive damage verdict and Seattle Seven object to Plan of Allocation acting on Exxon's behalf.
- April 5, 1996: Judge Holland denied Exxon's fourth attack on the UCI setnetter verdict (Order 316).
- June 11, 1996: Judge Holland approves Plan of Allocation and denounces Seattle Seven/Exxon scheme (Order 317)
- June 18,1996: Exxon files motion to reconsider Court's order re: Seattle Seven.
- August 6,1996: Judge Holland rejects Exxon's attempt to attack the punitive damages verdict based on credits claimed from the Seattle Seven releases (Order 326).
- September 6,1996: Judge Holland denies Exxon's motion to reconsider order re: Seattle Seven finding that Exxon perpetuated a deception upon the court and the jury (Order 327).
- September 24,1996: Judgment finally entered on federal court jury verdicts, including \$5 Billion punitive damages award - +7 years after spill -- +2 years after verdict.
- September 30,1996: Exxon and Seattle Seven file joint notice of appeal on Seattle Seven kickback.
- October 8, 1996: Exxon files motion to alter or amend the judgment and files its bill of costs against certain plaintiffs.
- November 20, 1996: Judge Holland dismisses the Seattle Seven complaint with prejudice.

- December 19, 1996: Seattle Seven and Exxon file appeal challenging dismissal of complaint.
- January 17, 1997: Judge Holland issues order on Exxon's Motion to Amend Judgment (Order 332).
- February 12, 1997: Exxon files notice of appeal to Ninth Circuit.
- March 18, 1997: Plaintiffs filed motion for approval of Plans of Distribution.
- September 23, 1997: Exxon moved for a new trial on the ground of "newly discovered" evidence.
- January 5, 1998: The Ninth Circuit issued a limited remand to permit the district court to consider Exxon's motion for new trial.
- March 16, 1998: Exxon deposed Juror Rita Wilson.
- July 31, 1998: Judge Holland denied Exxon's second motion for a new trial (Order 339).
- August 7, 1998: Exxon filed an appeal on the denial of the second motion for a new trial.
- November 27, 1998: Exxon files its final brief in its second motion for a new trial.
- May 3, 1999: The U.S. Court of Appeals for the Ninth Circuit, sitting in Seattle, hears Exxon's appeal.

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NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
750 FIRST STREET NE SUITE 1100
WASHINGTON, DC 20002
(202) 526-5653
(202) 462-7614

CHRISTINE T. MILLIKEN
*Executive Director
General Counsel*

March 25, 1999

PRESIDENT
MIKE MOORE
Attorney General of Mississippi

PRESIDENT-ELECT
CHRISTINE O. GREGOIRE
Attorney General of Washington

VICE PRESIDENT
ANDREW KETTERER
Attorney General of Maine

IMMEDIATE PAST PRESIDENT
JAMES E. DOYLE
Attorney General of Wisconsin

Lee R. Raymond
Chairman and CEO
Exxon Corporation
225 East John Carpenter Freeway
Irving, TX 75062

Dear Mr. Raymond:

The Exxon Valdez oil spill occurred 10 years ago. We, the undersigned Attorneys General, urge the Exxon Corporation to end the protracted litigation over the spill and honor the unanimous judgment of the jury in the lawsuit that followed. Substantial volumes of crude oil are shipped by supertankers every day off the coasts of our nation. Major oil spills from supertankers seriously harm the marine environment and the local communities and individuals that depend on the sea for their livelihood.

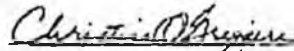
In September 1994 a unanimous federal jury found Exxon Corporation liable for the Exxon Valdez oil spill and awarded damages of \$5.3 billion to 40 thousand people injured by the spill, including Alaska native people, commercial fishermen, small business people, and land owners, as well as local governments and other entities injured by the spill. It has now been 10 years since the spill that devastated Prince William Sound and Exxon Corporation has not yet paid its debts to those who suffered from the spill.

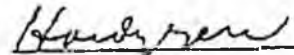
Each year Exxon delays payment of its obligation it earns an estimated \$400 million from the difference between the statutory interest rate on judgments of 6 percent and the company's internal rate of return of about 14%. The U.S. District Judge who heard the case clearly recognized: "Exxon can more profitably employ its capital elsewhere, even at the risk of paying great amounts of interest on the prospective judgment in this case. Put more simply, the court is concerned that delay in paying plaintiff's judgment will profit Exxon." In the meantime, each year many of the individuals who have been awaiting compensation die, and many continue to live in dire economic straits. Exxon must do the right thing and honor its obligations to the people its actions have injured.

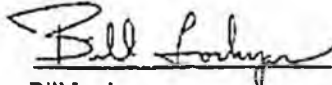
Exxon's use of its economic strength to delay, and in many cases to deny, justice to the 40 thousand people it has injured by the Exxon Valdez spill raises a significant concern. As State Attorneys General we have limited jurisdiction to deal with such an abuse of the legal system. However, as our states' chief legal officers, we call upon the Exxon Corporation to acknowledge its corporate responsibility to the people, businesses, and communities affected

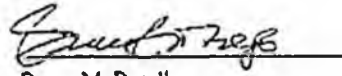
by the spill by paying the federal jury verdict awarded five years ago.

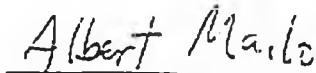
Very truly yours

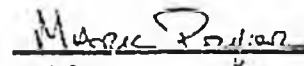

Christine O. Gregoire
Attorney General of Washington

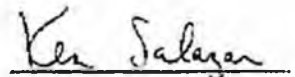

Hardy Myers
Attorney General of Oregon

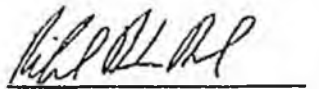

Bill Lockyer
Attorney General of California

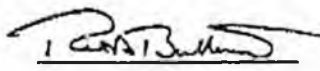

Bruce M. Borelho
Attorney General of Alaska

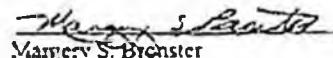

Toetagata Albert Mailo
Attorney General of American Samoa

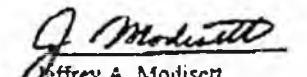

Mark Pryor
Attorney General of Arkansas

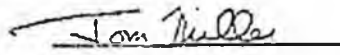

Ken Salazar
Attorney General of Colorado



Richard Blumenthal
Attorney General of Connecticut



Robert A. Butterworth
Attorney General of Florida

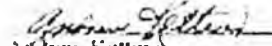

Margery S. Bronster
Attorney General of Hawaii

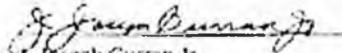

Jeffrey A. Modisett
Attorney General of Indiana

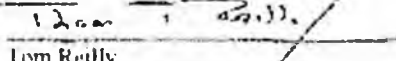

Tom Miller
Attorney General of Iowa

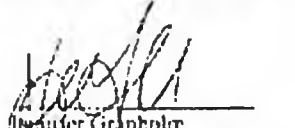

Carla J. Stovall
Attorney General of Kansas

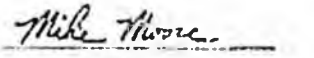

Albert Benjamin "Ben" Chandler III
Attorney General of Kentucky

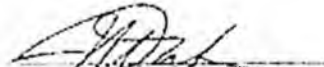

Andrew Ketterer
Attorney General of Maine

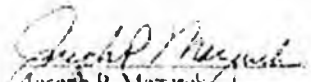

J. Joseph Curran Jr
Attorney General of Maryland

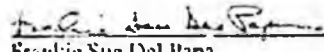

Tom Reilly
Attorney General of Massachusetts

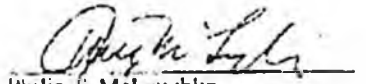

Jennifer Granholm
Attorney General of Michigan

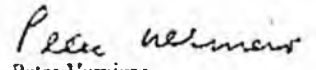

Mike Moore
Attorney General of Mississippi



Jeremiah W. (Jay) Nixon
Attorney General of Missouri

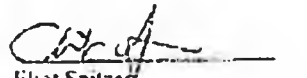

Joseph P. Mazurek
Attorney General of Montana


Frankie Sue Del Papa
Attorney General of Nevada


Philip T. McLaughlin
Attorney General of New Hampshire

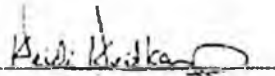

Peter Verniero
Attorney General of New Jersey


Patricia Madrid
Attorney General of New Mexico

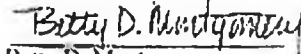

Eliot Spitzer
Attorney General of New York



Michael F. Easley
Attorney General of North Carolina



Heidi Heitkamp
Attorney General of North Dakota



Betty D. Montgomery
Attorney General of Ohio



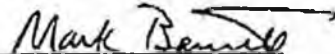
W.A. Drew Edmondson
Attorney General of Oklahoma



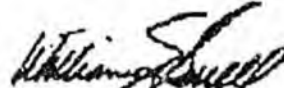
José A. Fuentes-Agostini
Attorney General of Puerto Rico



Sheldon Whitehouse
Attorney General of Rhode Island



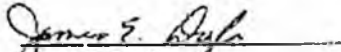
Mark Barnett
Attorney General of South Dakota




William H. Sorrell
Attorney General of Vermont



Iver A. Stridiron (Acting)
Attorney General of the Virgin Islands



James E. Doyle
Attorney General of Wisconsin



Gay Woodhouse
Attorney General of Wyoming

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ExxonMobil Production Company
Alaska Interest - Joint Interest U.S.
P.O. Box 196601
Anchorage, Alaska 99519-6601

ExxonMobil
Production

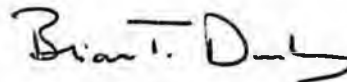
March 21, 2000

The Honorable Beverly Masek
The Honorable Bill Hudson
Alaska State Legislature
House Resources Committee

Dear Representatives Masek and Hudson:

ExxonMobil would like to submit the attached response statements on S.J.R. 18. They outline our general positions on the resolution, and include an additional statement on the March 16, 2000, ruling of the Ninth Circuit Court.

Sincerely,



Brian T. Dunphy
Alaska Public Affairs Manager

ExxonMobil Response to S.J.R. 18
"Exxon Valdez Damage Claims"

The 1989 Valdez oil spill was a tragic accident, which ExxonMobil deeply regrets. ExxonMobil immediately set out to clean up the oil, spending \$2.2 billion and continuing the effort until 1992 when both the State of Alaska and the U.S. Coast Guard declared the cleanup complete.

ExxonMobil also voluntarily began paying damage claims immediately to compensate those directly damaged by the spill. More than 11,000 people and businesses received more than \$300 million in compensation. ExxonMobil made every effort to address damage claims, and at several points during the judicial process settlements were reached on a number of claims. In fact, in the 1994-96 time period, payments totaling \$24.7 million were made to settle compensating damage claims, a sum that has no doubt been increased since then by interest earnings, since these amounts have not yet been distributed to the plaintiffs by their attorneys.

In addition to these claims, ExxonMobil is paying \$1 billion in state and federal settlements that are being used in Prince William Sound environmental studies and conservation programs.

In response to the accident, ExxonMobil also redoubled its long-standing efforts to safeguard the environment in Alaska and throughout the world, and made a public commitment to prevent and mitigate future accidents in all its operations. These accelerated safety and environmental initiatives have resulted in ongoing improvements in company operations and performance.

All in all, ExxonMobil paid \$3.5 billion directly on the spill. We acted as a responsible corporate citizen in responding to the accident until the job was complete, voluntarily compensating those damaged by the spill, and paying state and federal settlements. The Federal District Court in Anchorage agreed in 1994 that virtually all those directly damaged by the spill have been compensated. We have additionally responded to the accident by making our operations safer and minimizing the chances for future incidents.

Both the plaintiffs and ExxonMobil have a number of appeals pending related to the Valdez accident. The judgment which we are currently appealing before the 9th Circuit Court of Appeals and the subject matter of Senate Joint Resolution 18--the \$5 billion punitive damages verdict--is something completely different, however, from any questions relating to compensatory damages. Only \$20 million of the amount under appeal are remaining, legitimately contested damage claims.

We believe punitive damages are unwarranted and unjust in the 9th Circuit Court case. This judgement was meant solely to punish ExxonMobil. It is in no way an issue of compensation to plaintiffs, outstanding claims that must be resolved, or measures to improve company operations. In appealing the \$5 billion punitive damages award, ExxonMobil is, in fact, exercising a right which is a core value of our judicial system--the fundamental right for a full and fair appeal. This is a right to which every American individual and business citizen is entitled. Attorneys on all sides of any dispute would agree with this fundamental right.

S.J.R. 18 seeks to have the Legislature and the State of Alaska interject itself into the courtroom and judicial process by urging ExxonMobil cease in its right to such an appeal. We believe you should carefully consider whether this is an appropriate role and precedent for the Legislature.

2/23/00

March 16, 2000

**EXXON MOBIL CORPORATION
RESPONSE STATEMENT
MARCH 16, 2000, APPEAL RULING**

A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit on March 16 issued a ruling in one of several appeals pending before the appellate court related to the Valdez civil damage case. In its ruling, the panel affirmed the district court order that the \$5 billion punitive damage verdict against Exxon should not be set aside because of irregularities during jury deliberations. This ruling does not affect appeals related to the availability of punitive damages in this case; the excessiveness of the punitive damage award; the jury instructions and compensatory damage awards.

Exxon Mobil Corporation said that while it was disappointed by the Court's ruling on this aspect of its appeal, it continued to believe that the \$5 billion punitive damage verdict was unwarranted and excessive.

April 9, 1999

DEAR ALASKA STATE SENATORS AND REPRESENTATIVES:

We, the undersigned residents of the Native Village of Port Graham urge the Alaska State Legislature to pass Senate Joint Resolution 18, which requests that Exxon pay claimants the Court-ordered damages resulting from the 1989 Exxon Valdez oil spill. We, the undersigned residents of the Native Village of Port Graham support Senate Joint Resolution 18.

PRINT NAME	SIGNATURE	ADDRESS/PHONE NUMBER
1 James Miller	<i>James Miller</i>	PO Box 5502 Port Graham 99603
2 Emerson Anahonak	<i>Emerson Anahonak</i>	PO Box 5576 P.G. 99603
3 Steve Merrill	<i>Steve Merrill</i>	P.O. Box 5526 P.G. 99603
4 Klara Kambuck	<i>Klara Kambuck</i>	P.G. 35857. 99603
5 Frank Mason	<i>Frank Mason</i>	P.G. P.O. 5507 99603
6 Dick Anahonak	<i>Dick Anahonak</i>	P.G. P.O. Box 5557 - 99603
7 Robert Henderson	<i>Robert Henderson</i>	P.O. Box 5555 Port Graham,
8 Jean Henderson	<i>Jean Henderson</i>	PO Box 5555 Port Graham,
9 Charity Kostoff	<i>Charity Kostoff</i>	P.O. Box 5574 Port Graham
10 Alice Anahonak, Alena Anahonak	<i>Alice Anahonak, Alena Anahonak</i>	Box 5576 Port Graham, AK 99603-5576
11 Mickey Anahonak, Mickey Anahonak	<i>Mickey Anahonak, Mickey Anahonak</i>	" " " " " " " "
12 Dorene Anahonak, Dorene Anahonak	<i>Dorene Anahonak, Dorene Anahonak</i>	P.O. Box 5558 Port Graham, AK 99603-5558
13 Leonard Anahonak	<i>Leonard Anahonak</i>	Port Graham, AK, 99603-5506
14 William Anahonak	<i>William Anahonak</i>	Port Graham, AK P.O. Box 5559
15 DEBRA E MELANACE, Deborah Melanace	<i>Debra E Melanace, Deborah Melanace</i>	PO Box 5533 Port Graham, AK. 99603-5533 254-2234
16 CHRISTALINA JAEGER, Crystalina Jaeger	<i>Christalina Jaeger</i>	PO Box 5541 Port Graham, AK 99603
17 Dorene Anahonak, Dorene Anahonak	<i>Dorene Anahonak, Dorene Anahonak</i>	PO Box 5561 Port Graham AK 99603

April 9, 1999

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PRINT NAME	SIGNATURE	ADDRESS/PHONE NUMBER
18	Francis Norman Inuon Norman	P.O. Box 5509 Port Graham, Alaska 99603
19	Mary Malhotra	Box 5548 Port Graham AK 99603
20	Ren [unclear]	Box 5503 Port Graham AK 99603
21	[unclear]	Box 5578 Port Graham AK 99603-5578
22	SHERY GLANN [unclear]	PO Box 5523 P.G., AK 99603 284 2291
23	FRANK F. TELUF Frank F. Teluf	Box 5518 PT Graham AK 99603 284 233
24	Ralph [unclear]	PO Box 5545 PT Graham AK 99603
25	Robert [unclear]	P.O. Box 5512 Port Graham 99603
26	Edgar [unclear]	P.O. Box 5567 Port Graham AK 99603
27	[unclear]	P.O. Box 5502 Port Graham AK 99603
28	Dee [unclear]	Box 5538 Port Graham 99603
29	[unclear]	P.O. Box 5539 Port Graham AK 99603
30	[unclear]	Vivian Malchoff Box 5538 Port Graham AK 99603
31	Kiley [unclear]	P.O. Box 5536 PORT GRAHAM, AK 99603-5536
32	Leo [unclear]	P.O. Box 5544 Port Graham AK 99603
33	Stephen [unclear]	P.O. Box 5558 Port Graham 99603
34	Lubna [unclear]	P.O. Box 5507 Port Graham

April 9, 1999

DEAR ALASKA STATE SENATORS AND REPRESENTATIVES:

We, the undersigned residents of the Native Village of Port Graham urge the Alaska State Legislature to pass Senate Joint Resolution 18, which requests that Exxon pay claimants the Court-ordered damages resulting from the 1989 Exxon Valdez oil spill. We, the undersigned residents of the Native Village of Port Graham support Senate Joint Resolution 18.

PRINT NAME	SIGNATURE	ADDRESS/PHONE NUMBER
35	<u>Deborah Hurdellon</u>	<u>P.O. Box 5529 Port Graham</u>
36	<u>Fred E. Laka</u>	<u>P.O. Box 5556 PORT GRAHAM</u>
37	<u>Nicole Rae Grosvald</u>	<u>Box 5530, Port Graham</u>
38	<u>Lita Megehee</u>	<u>Box 5537 Port Graham</u>
39	<u>Samuel A. Moring</u>	<u>P.O. Box 5508 Port Graham</u>
40	<u>Jan R. Ott</u>	<u>POB. 5522 Port Graham AK 99603</u>
41	<u>Robin Ott</u>	<u>P.O. 5522 Port Graham AK</u>
42	<u>Greg M. Wullen</u>	<u>PO Box 5576 Port Graham, AK 99603-5576</u>
43	<u>Ann M. Meyerson</u>	<u>P.O. Box 5534 P.G.M. AK 99603</u>
44	<u>Betsy E. Norman</u>	<u>P.O. Box 5565 Port Graham, AK 99603-5565</u>
45	<u>FRANK TAYLOR Frank Taylor</u>	<u>Box 5518 Port Graham AK 99603 -907-284-2332</u>
46	<u>Quentin H. Mallick</u>	<u>P.O. Box 5512 Port Graham AK</u>
47	<u>Tonia Mallick</u>	<u>" " " "</u>
48	<u>Bobbie Sue Mallick</u>	<u>" " " "</u>
49	<u>Edwin Kenneth L.</u>	<u>Mail 5552 Port Graham, AK</u>
50	<u>Jaffrey A. McMule</u>	<u>P.O. Box 5552 Port Graham 284-2262</u>
51	<u>Bobby M. Mueller</u>	<u>Box 5529 Port Graham 99603</u>

April 9, 1999

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	PRINT NAME	SIGNATURE	ADDRESS/PHONE NUMBER
52	<u>Patricia M. Drauer!</u>	<u>Patricia M. Drauer!</u>	<u>PO Box 5515 Port Graham AK 284234</u>
53	<u>Linda Norman</u>	<u>Linda Norman</u>	<u>PO Box 5546 Port Graham AK 99603 (907) 284-2224</u>
54	<u>Reuben Noorman</u>	<u>Reuben Noorman</u>	<u>PO Box 5546 Port Graham AK 99603 (908) 284-2225</u>
55	<u>Waque Noma</u>	<u>Waque Noma</u>	<u>" " " " " "</u>
56	<u>Johann Vicaar</u>	<u>Johann Vicaar</u>	<u>" 5501 P. Graham</u>
57	<u>Sharon Howe</u>	<u>Sharon Howe</u>	<u>" 5501 P. Graham</u>
58	<u>SISAN Seville</u> <u>Musan Seville</u>	<u>SISAN Seville</u>	<u>" 5532 Port Graham AK</u>
59	<u>Anna McMullen</u>	<u>Anna McMullen</u>	<u>" 5536 Port Graham AK 99603</u>
60	<u>Bethie Ann McMullen</u>	<u>Bethie Ann McMullen</u>	<u>" 5512 Port Graham AK 99603 (907) 284-2282</u>
61	<u>Samantha McMullen</u>	<u>Samantha McMullen</u>	<u>P.O. Box 5536 Port Graham AK 99603</u>
62	<u>Dorothy Moezin</u>	<u>Dorothy Moezin</u>	<u>P.O. Box 5505 Port Graham AK 99603 99603</u>
63	<u>John Ambrose</u>	<u>John Ambrose</u>	<u>P.O. Box 5544 Port Graham AK 99603</u>
64	<u>Dick Ambrose</u>	<u>Dick Ambrose</u>	<u>P.O. Box 5557 Port Graham AK 99603</u>
65	<u>Dorinda Kaminski</u>	<u>Dorinda Kaminski</u>	<u>P.O. Box 5557 P.G.A. 99603</u>
66	<u>Violet (Violet) Vester</u>	<u>Violet (Violet) Vester</u>	<u>P.O. Box 5569 Port Graham AK 99603</u>
67	<u>Elenore McMullen</u>	<u>Elenore McMullen</u>	<u>Box 5529 Port Graham AK</u>
68	<u>Alfred Ambrose</u>	<u>Alfred Ambrose</u>	<u>Box 5535 Port Graham AK 99603 99603 55-</u>

April 9, 1999

DEAR ALASKA STATE SENATORS AND REPRESENTATIVES:

We, the undersigned residents of the Native Village of Port Graham urge the Alaska State Legislature to pass Senate Joint Resolution 18, which requests that Exxon pay claimants the Court-ordered damages resulting from the 1989 Exxon Valdez oil spill. We, the undersigned residents of the Native Village of Port Graham support Senate Joint Resolution 18.

PRINT NAME	SIGNATURE	ADDRESS/PHONE NUMBER
69	Billy Mezanack	Port Graham Alaska AK 99603
70	Elmer Anahonak	Port Graham AK 99603
71	Alesia Tanape	Port Graham AK 99603
72	Pat [Signature]	Port Graham
73	Donald [Signature]	Po Box 5573 Port Graham AK 99603
74	[Signature]	Box 5572 Port Graham AK 99603
75	[Signature]	Box 5572 Port Graham AK 99603
76	Thomas A. [Signature]	Po Box 5566 Port Graham AK 99603
77	Marlene Norman	Box 5505 Port Graham, AK 99603
78	Fiona [Signature]	Box 5575 Port Graham, AK 99603-5575
79	Nick Marvin [Signature]	Box 5513 Port Graham AK 99603
80	Steven A. Anahonak	Box 5515 Port Graham AK 99603
81	Richard D. [Signature]	Po Box 5525 Port Graham AK 99603
82	Pat [Signature]	Po Box 5511 Port Graham AK 99603

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 / Telephone (907) 424-3447 / Fax (907) 424-3430

February 22, 2000
House Special Committee on Oil & Gas
Representative Jim Whitaker, Chairman
MS 3100
State Capitol
Juneau, AK 99811-0001

SENT VIA FACSIMILE TO (907) 465-2070

Dear Members,

Cordova District Fishermen United (CDFU), the oldest commercial fishing organization of the state representing the salmon and herring fishermen of Prince William, urges your support for CSSJR 18.

The Exxon Valdez Oil Spill had a profound impact upon not only the ecosystem of Prince William Sound, but also the lives of those men and women whose livelihoods and lifestyles depended upon the harvests of the marine ecosystem. Exxon promised the people of Prince William Sound--lawsuits and court cases notwithstanding--that it would "make Alaska whole again." It is important that Exxon pay its claimants the damages duly assessed in a court of law to compensate those affected by the spill.

Payment of the punitive damages as awarded by the lawsuit should certainly go a long way toward bringing closure to this very painful and sensitive chapter in the lives of those impacted by the Spill.

Respectfully Submitted,

Sue Aspelund

Sue Aspelund
Executive Director

cc: Senator Georgiana Lincoln
Representative John Harris

JAMIN, EBELL, SCHMITT & MASON

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
323 CAROLYN STREET
KODIAK, ALASKA 99615

TELEPHONE: (907) 486-6024
FACSIMILE: (907) 486-6112

REPLY TO KODIAK OFFICE

MATTHEW D. JAMIN
E-MAIL: MATT@EBELLS.COM

ANCHORAGE OFFICE:
1800 I STREET, SUITE 704
ANCHORAGE, ALASKA 99501
TELEPHONE AND FAX
(907) 278-6100

SEATTLE OFFICE:
300 MUTUAL LIFE BUILDING
106 FIRST AVENUE
SEATTLE, WASHINGTON 98104
TELEPHONE: (206) 622-7834
FACSIMILE: (206) 622-7831

March 16, 2000

Senator Georglanna Lincoln
Alaska Legislature
Juneau, AK 99801-1182

Via Facsimile (907) 465-2652

RE: CSSJR 18

Dear Senator Lincoln:

I would like to address some of the issues surrounding the judgements and the claimants in the Exxon Valdez litigation. Specifically, I am responding to the position held by some that Exxon has fully compensated all those who were affected by the spill, and that punitive damages are merely extra punishment for the corporation.

First, there is a substantial outstanding judgment for compensatory damages that Exxon has refused to pay. The amount of the judgment was about \$20 million, and with interest, is currently about \$50 million.

Second, there is a large group of persons and entities who were hurt by the spill, but under rather strict provisions of maritime law their claims were dismissed by Judge Holland. This was done through summary judgment so the claims were never presented to a jury. Judge Holland decided before trial that the claims could not be brought based on a 1927 United States Supreme Court case called Robins Drydock. He read this case as requiring that a claimant must be physically affected by oil in order to be eligible for recovery. Judge Holland also felt that the relevant state statute, AS 46.03.822, was preempted by federal law, and that he could not impose liability more broadly than the Robins rule allowed. But in so doing, Judge Holland recognized that such people were actually hurt by the spill: he just felt that their claims were barred by the Robins doctrine.

Interestingly, the Alaska State Supreme Court has come to the opposite conclusion. In Kodiak Island Borough v. Exxon, decided in November of 1999, the court ruled that neither Robins nor federal preemption doctrine barred A.S. 46.03.822 and its

Senator Georgianna Lincoln
March 16, 2000
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more encompassing choice to impose liability on oil polluters. We suspect, based on a very recent United States Supreme Court case, United States v. Locke, decided a week and a half ago, that the Ninth Circuit will conclude that the Alaska Supreme Court is correct, and Judge Holland was wrong. On this issue, the Locke court said:

We have upheld state laws imposing liability for pollution caused by oil spills. See Askew v. American Waterways Operators, Inc., 411 U.S., at 325. Our view of OPA's savings clauses preserves this important role for the States, which is unchallenged here.

In short, we expect that the Ninth Circuit will ultimately recognize that many more Alaskans who were adversely affected by the Exxon Valdez Oil Spill have legitimate compensatory damage claims that have not yet been redressed in the courts. But the important point here is that Judge Holland has recognized, even under his restrictive view as to which claims are viable, that many more persons were hurt than have thus far been compensated.

The argument that Exxon is making, that everyone who was hurt has been properly been compensated, is thus erroneous, and should not be heard to defeat an otherwise valid attempt to have Exxon pay the judgments against it. Among the groups of persons and entities which were hurt by the spill but whose claims have not yet been recognized are:

1. Tenderboat operators and crews. The oil spill disrupted their operations as seagoing intermediaries between commercial fishermen and processors because the fishermen were unable to fish;
2. Seafood processors, dealers and wholesalers. The oil spill impaired the availability of the fish that are the subject matter of their businesses;
3. Processor employees;
4. "Area businesses," including, inter alia, guides and camps that lost business because prospective clients were prevented or deterred from fishing or observing wildlife, suppliers of goods and services to commercial fishermen, other users of adversely affected marine resources, businesses that suffered losses because the economies of their communities were dependent upon the fisheries impaired by the spill, and aquaculture associations deprived of commercial fishing assessments that support their operations;

Senator Georgianna Lincoln
March 16, 2000
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5. Commercial fishermen outside the areas closed in 1989. They lost revenues because the oil spill's adverse effects upon market prices and demand for salmon and other seafood from all areas of Alaska;

6. Commercial fishermen who suffered reductions in the value of their limited entry permits or vessels, unless they could prove "lost profits" on actual sales;

7. Owners of land in oiled areas whose land was not physically touched by oil, even if littoral rights running with the land were impaired by oiling of the shoreline to which a landowner had rights.

In summary, compensatory claims paid to date were paid only to a very limited class of those affected by the Exxon Valdez oil spill. The broader group of persons, businesses, local governments, and organizations which were negatively affected by the spill will receive some relief through their participation in the punitive damage award.

Best regards.

Sincerely yours,

JAMIN, EBELL, SCHMITT & MASON



Matthew D. Jamin

cc: David W. Oesting, Esq.

exadmin\lincoln_let.wpd

March 20, 2000

House Resources Committee
Chairs Hudson and Masek
Capitol Building
Juneau AK

House Resources Committee,

I would like this opportunity to express my support for SJR 18 and urge all members of House Resources to pass it through this committee.

I realize that many believe that it is not appropriate for the legislature to become involved in an issue that is judicial in nature. I disagree with that viewpoint in this instance. The EXXON Valdez oil spill effected so many Alaskans in the North Gulf Coast region the legislature should urge the conclusion of the lawsuit.

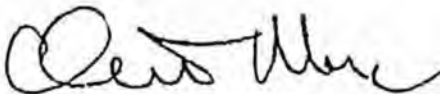
In a normal year I would probably not be able to write this letter, as I would be preparing to tender sac roe herring in Prince William Sound. This year the season is once again closed with no source of income from that fishery for my family and myself. The sac roe seine fishery has been closed for eight of the 12 years since the EXXON Valdez oil spill in 1989. Prior to the EXXON spill a fishery had occurred every year from its inception.

I have seined since 1976 for salmon in Cook Inlet and this fishery has changed dramatically. Natural runs of pinks have virtually disappeared from the area between Seward and Kachemak Bay. The consistent failure of these runs has no historical precedent. Permit holders participation in this fishery has been cut by half compared to pre-spill years. The legacy of the EXXON Valdez continues on for us year after year.

I know that I don't have to convince you of the effects of the EXXON spill, a jury was convinced many years ago in accordance with our judicial system. I also have no argument with EXXON's right to appeal those decisions. If those appeals are denied at the 9th Circuit I want this case concluded so we may move on with our lives.

Thank you for considering my views.

Sincerely yours,



Chris Moss
Box 1115
Homer, AK 99603
235-8053

