

## Exxon Will Not Appeal Interest in EVOS Case

Monday, 29 June 2009

{audio}/images/stories/mp3/090629.exxon\_interest.mp3{/audio}

Casey Kelly/KBBI

### Plaintiffs

in the Exxon Valdez oil spill case got some good news over the weekend. Exxon has decided not to appeal a recent ruling by a three-judge panel from the 9th Circuit Court, giving victims of the spill interest on their punitive damages dating back to September 1996. KBBI's Casey Kelly has more.

### Exxon could

have appealed the decision back the 9th Circuit Court for review by the full group of judges. Or it could have asked the U-S Supreme Court to consider the case. Lead plaintiffs' attorney Dave Oesting says he got word last Friday that the company was simply going to pay the interest without further appeal. He says it's one of the last big hurdles in this ongoing legal battle.

(Exxon

Interest-1 :07s "It's been going ... as I think about it.")

A year ago the Supreme Court ruled that Exxon owed 507.5-million dollars in punitive damages -- one-tenth of the 5-billion dollars an Anchorage jury awarded plaintiffs in 1994. That came as a blow to those who waited almost 20 years while the case wound its way through the legal system. Exxon then claimed that it should only have to pay interest on the ruling from the time of the high court decision. The 9th circuit panel disagreed, saying the company owed interest dating back to September 26, 1996, the date when the district court in Anchorage entered judgment in the case. Oesting says the interest basically doubles the settlement for plaintiffs.

(Exxon Interest-2 :19s "I mean, I'm  
... pay the balance due.")

(Exxon Interest-3 :03s "My speculation ... dollars and cents.")

That's Frank Mullen, a fisherman,  
Exxon plaintiff, and financial planner in Homer.

(Exxon Interest-4 :11s "Their calculator ... stop the bleeding.")

Mullen says attorneys informed plaintiffs  
of Exxon's decision over the weekend at the annual meeting of the United Cook  
Inlet Drift Association. Like Oesting, he says it's hard to be excited at this  
point, although the decision is certainly good news.

(Exxon Interest-5 :19s "We were extremely ... is in sight.")

Despite its decision not to appeal  
the interest issue, Exxon is still fighting the issue of legal fees. Lead  
attorney Oesting says that could mean a 70-million dollar difference in the  
amount paid to plaintiffs.

(Exxon Interest-6 :17s "Exxon believes ... they've pursued.")

Oesting's not sure when a decision  
will come on that issue, but says plaintiffs attorneys are confident that  
they'll win there as well.

He says interest payments will be  
handled through the Exxon Qualified Settlement Fund, which began cutting  
punitive damages checks late last year. He hopes to see the first interest  
checks mailed out by mid-August.

IHICK.

###