State Won't Intervene In Exxon Interest Decision

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Casey Kelly/KMXT

Three state lawmakers went on record this week saying the State of Alaska should file an amicus brief with the U-S Supreme Court, urging the court to order Exxon Mobil to pay interest on the 507.5 million dollar punitive damages judgment justices handed down last month in the Exxon Valdez oil spill case. KMXT’s Casey Kelly has more.

Plaintiffs in the case have been trying to figure out if interest will apply to the punitive damages, which the high court reduced to one-tenth of the original 1994 jury award in its 5-3 decision. Interest could add about 488-million dollars to the award, bringing the total amount close to a billion dollars. But this week Exxon filed a nine-page brief with the court, arguing it should only have to pay interest from the time of the Supreme Court’s decision. Anchorage Representative Les Gara says that argument is a slap in the face to all of the spill victims.

(Gara 1 :26s “…victimized by Exxon here.”)

On Wednesday Gara, along with fellow Anchorage Representative Bob Buch and Juneau Representative Andrea Doll, wrote a letter to Attorney General Talis Colberg and their colleagues in the legislature, urging the state to file a friend of the court brief supporting the higher interest amount. Gara says he hopes the brief would be more than just a symbolic gesture.

(Gara 2 :27s “…I think it adds weight.”)

Gara says the attorney general and members of the legislature that he spoke with about the brief seemed mostly supportive of the idea. However, Deputy Attorney General Craig Tillery says the state has decided not to pursue the issue at the urging of plaintiffs’ attorneys.

(Tillery 1 :29s “…this motion in this matter.”)

Nevertheless, Tillery says the state supports making Exxon pay full interest on the settlement, and will continue working with plaintiffs’ attorneys to make that happen.

(Tillery 2 :12s “…and get paid in full.”)

Gara, who worked on the Exxon Valdez oil spill case as an assistant attorney general for the state from 1989 to 1991, says the state’s decision not to intervene is surprising to him, especially the reason being given.

(Gara 3 :20s “…think the state should help.”)

But the bigger issue, he says, is Exxon’s continued use of litigation to avoid fairly compensating victims of the spill. Lawyers for the plaintiffs are working on a reply to Exxon’s brief. A decision on the issue could come as soon as the end of this month, when the Supreme Court issues a final decision in the case.

I’m Casey Kelly.

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