

Steffy: Those left out of BP settlement

By Loren Steffy

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The proposed settlement between BP and business owners and others harmed by the Deepwater Horizon disaster is a big step in repairing the economic hardship unleashed by the oil spill, but it overlooks those most affected by the explosion that killed 11 men.

Injury and death claims, filed by the families of those killed and those who made it off the burning rig, won't be paid by the settlement mechanism that lawyers are setting up, according to a joint motion that BP and the steering committee for plaintiffs' lawyers filed Thursday with the federal court in New Orleans that's overseeing the case.

"If you were on the rig, it doesn't even have a method for payment," said Brent Coon, the Beaumont lawyer who represents Stephen Stone. I recently wrote about Stone, who was a roustabout on the rig, and his struggle to rebuild his life since the disaster.

It's not clear how many other claims like Stone's are still pending. Many of the 115 survivors and families of the 11 dead have already settled. Earlier estimates that a dozen or so survivor cases remain may be low, I was told last week.

Regardless of the number, the settlement could further delay compensation for those who have suffered the most.

If, for example, the remaining claims in the case - from the federal and state governments as well as the courts - go to trial, the start of any legal proceedings could be held up while the civil settlement announced March 2 gets fine-tuned and presented to the court. The lawyers involved have 45 days to submit details to U.S. District Judge Carl Barbier, who has postponed the trial on the remaining claims indefinitely.

Stalling the process

Buddy Trahan, a Transocean manager and the most seriously injured survivor, has been waiting, as I have recently, for Barbier to consider his motion to return his case to Texas state court. Barbier has delayed his decision on motions such as Trahan's, and the court's focus on the pending settlement could further stall the process.

"The end result is that Buddy is left in limbo," Trahan's attorney, Lance Lubel, told me recently. "Buddy wants to wait until the case settled."



Now it could be months before the trial starts, and Lubel worries Barbier may not consider Trahan's until the trial is resolved or the rest of the claims are settled. If that happens, Trahan may not get into court for more than a year.

In many ways, the proposed settlement was more of an agreement in principle that will be refined by legions of lawyers involved in the case before being submitted to the judge.

"What was announced ... by BP was frankly a little premature," Coon said.

Even the figure the company put on the deal - \$7.8 billion - is little more than a guess. Many claims have been filed yet, meaning the company's payout could be much higher, Coon said.

"That's just a number that BP thinks it might be," he said. "I'm sure they want to make it look good to their shareholders."

The proposed settlement represents progress in the mammoth legal effort to resolve claims from the worst offshore oil spill. If it succeeds, it should enable those whose businesses and livelihoods were hurt to get paid more quickly than the \$20 billion claims fund that BP set up after the accident, Coon and other lawyers involved in the case said.

Some of those business owners have struggled, and some have had to file for bankruptcy.

Lost loved ones

But their hardships, grave though they may be, pale compared with those who struggle with injuries, property loss, and emotional trauma, and those families who have lost loved ones.

This has been an environmental disaster, an economic calamity and an industry's nightmare. But before it became all of those, before oil spread across the Gulf or economic ripples cut across coastal communities, it was a human tragedy. Lives were lost, lives were ruined, lives were upended.

Those claims shouldn't have to wait while economic issues get priority.

Loren Steffy, loren.steffy@chron.com, is the Chronicle's business columnist. His commentary appears on Sundays, Wednesdays and Fridays. Follow him online at blog.chron.com/lorensteffy, www.facebook.com/LorenSteffypage and twitter.com/lsteffy.

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