

SPECIAL MASTER'S MARCH 5, 2007 PAYMENT STATUS REPORT

Payment to May 16, 2006 Court Ordered successful claimants

As of February 20, 2007, and continuing today, there are payments by bank transfer being made now to the designated bank accounts of the 491 persons whose awards were approved in Special Master's Findings of Fact and Conclusions of Law for all tracts which were the subject of the May 16, 2006 Court Order (all of those for tracts not listed below), and who had provided payment information to him by July 1, 2006 (36 successful claimants did not). This information was sent to the Department of Energy staff on July 3, 2006. Problems with an attempt to upload that information into a DOE accounting format resulted in a second, August 21, 2006 re-submittal of that information to DOE staff. This first payment process can only be described as difficult, but payments are finally being made.

Two issues have occurred which have generated questions about payment from some claimants. First The Department of Energy has advised that, in the event there are any payments owed subject to a federal attachment (taxes, child support, student loans, etc.), those will be automatically deducted before transfer to a bank account. Second, there were payments attempted which were returned because of incorrect information about an account. If there is any question about the status of a payment, or the amount of it, the Special Master is available to verify information on file, and amount to be paid.

Payment to December 18, 2006 Court Ordered successful claimants

The Court Order approving the Special Master's Findings of Fact and Conclusions of Law for Tracts A13, E9A, E9B and E24 was filed on December 18, 2006. Under the Federal Rules of Procedure, sixty days must pass before there is any possibility of an appeal of a court order. During that period, the Special Master mailed notices of awards and received disclaimer and ACH forms from all of the 206 successful claimants for those tracts. No notices of appeal were filed by anyone, so the court order became final without possibility of appeal on February 16, 2007. On February 20, the Special Master sent to the DOE by FedEx, a compact disk containing a spreadsheet with all of the successful claimants in those tracts (and the 36 other tract awardees whose information was submitted after July 1, 2006), their awards, bank account information and PDF copies of the ACH vendor forms, as well as Court Orders and Findings and Conclusions (in other words, all of the DOE information required to process the payments). DOE general counsel's office acknowledged receipt of them on February 22nd, 2007.

Although the first payment process was difficult, numerous wrinkles in it have been ironed out, and this second should happen much quicker. However, an estimate of time when the payments will be made is still premature, since DOE is still involved in finishing the first payment process.

Payment of interest earned

All claims in this case are now resolved. As soon as the rest of the first payment and the second one is made, a third payment will be submitted by the Special Master to DOE for all successful claimants, for the interest earned by the fund while it has existed. The Special Master will calculate the respective share of each claimant to the remainder of the fund after adjustment of interest and expenses. Spread out among all 733 successful claimants, it won't be much, but it will happen. No further information is required for that payment from claimants unless there is a change in a bank account which requires a new ACH vendor form.

Cordially yours, Joseph E. Caldwell