

Claims Administrator Seeks Dismissal Of BP Lawsuit

Michael Kunzelman, Associated Press

NEW ORLEANS (AP) — The court-appointed claims administrator for a multibillion-dollar settlement between BP PLC and a team of private plaintiffs' attorneys asked a federal judge Monday to throw out the company's lawsuit against him.

The suit that BP filed last month accuses Patrick Juneau of violating the settlement's terms in the way he is using a complex formula to determine payments to businesses affected by the massive 2010 oil spill in the Gulf of Mexico.

In a court filing Monday, Juneau argued he is entitled to immunity from BP's suit. Juneau also said he would be violating U.S. District Judge Carl Barbier's orders if he processed business claims in the way that BP wants him to.

BP also asked Barbier last month to block what could be billions of dollars in settlement payouts to businesses while it challenges the formula Juneau has employed. The judge is scheduled to hold a hearing Friday on BP's request for a preliminary injunction.

Barbier appointed Juneau and already has upheld his decisions for calculating payments.

BP argues that Juneau made decisions in January that expose the London-based oil giant to fictitious losses that were never contemplated in the settlement with lawyers for Gulf Coast businesses and residents who claim the spill cost them money.

Juneau counters that he doesn't have the "discretion or authority" to adopt BP's interpretation of the settlement terms because it would conflict with Barbier's rulings on the matter.

"This action should not have been filed against Mr. Juneau, as he is absolutely immune from suit for actions taken in his official capacities as Claims Administrator and Settlement Trustee," his lawyers wrote.

BP estimated a year ago that it would spend roughly \$7.8 billion to resolve tens of thousands of claims covered by the settlement. The company now says it can't give a reliable estimate for the total value of the deal.

Barbier also is presiding over a trial designed to determine the causes of BP's April 2010 well blowout and assign percentages of fault to the companies involved in the disaster, which killed 11 workers and spawned the nation's worst offshore oil spill. The trial is scheduled to resume Tuesday with more testimony by witnesses for

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Halliburton, BP's cement contractor on the Deepwater Horizon drilling rig.

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