



## STATE OF FLORIDA

**BILL McCOLLUM**  
**ATTORNEY GENERAL**  
May 18, 2010

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Mark Holstein  
Managing Attorney  
BP America, Inc.  
501 Westlake Park Boulevard  
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*Re: Claims Process*

Dear Messrs. Lynch and Holstein:

This letter is in response to Mr. Lynch's letter, dated May 10<sup>th</sup>, and follows up on my staff's discussion with Mr. Holstein on May 13<sup>th</sup>. Mr. Lynch, while your letter included a fact sheet about BP's procedures for handling loss and damage claims associated with the Deepwater Horizon oil spill disaster, it is our understanding that claimants and potential claimants are not actually receiving this information. As expressed to Mr. Holstein, we have been made aware of a complete lack of communication with claimants and potential claimants which is contributing to frustration and inhibiting efficiency of claims processing.

Members of the Florida Attorney General's Office recently traveled to Panama City and attended a BP-sponsored and well attended informational meeting with local charter boat captains and other fishermen, shrimpers and oystermen. Many of the questions, however, revealed that BP has not been diligent in providing claimants with necessary information.

Claimants and potential claimants at the meeting had merely been informed that an adjuster will contact them to verify and pay claims reported to BP's claims line. Beyond that basic understanding, they had many questions and were noticeably frustrated with the lack of answers. Some of the questions included:

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- What claims are covered? – Individual wages and income? Business losses, such as lost earnings and profit? Damage to vessels and other personal property caused by contact with oil?
- When / how often should claims be made? – Once, every trip cancellation, weekly, or monthly? Does it depend on the type of claim?
- What documentation is necessary? – Trip tickets, pay stubs, sales receipts, commercial licenses, and income tax returns? How many years of tax returns? Does it depend on the type of claim?
- Payment – how quickly will I get paid? Is it a one-time payment or will I continue to receive payments? How much will I be paid? Does it depend on the type of claim or claimant?
- Security – Who is ESIS? How do I know the person calling is an authorized adjuster or a scammer?

Participants' frustration seemed to stem from a lack of upfront guidance about the claims procedure, while adjusters' differing opinions were making them feel unfairly treated. BP's commitment "to pay legitimate and objectively verifiable claims" will be difficult to achieve when claimants and potential claimants do not know what claims are legitimate or how to verify them.

While I understand that the process is evolving, BP must promptly cure its lack of communication with claimants and inject transparency into the claims process. The lack of accurate information is impeding the process's purpose of effecting prompt payment. As discussed with Mr. Holstein, I look forward to receiving detailed guidance for claimants and potential claimants, including a list of necessary documents and any forms. A claimant-centered flowchart delineating each step in the claims process and any differences between claims would be an excellent starting point. Moreover, an adjuster claims manual, as suggested on Monday's call between Mr. Lynch and the Gulf Coast States Attorneys General, would help create uniformity in claims processing among adjusters. Additionally, my office will post any objective information on the Attorney General's website.

Sincerely,



Bill McCollum