

# 5th Circuit Nixes Ex-NBA Star's \$1.5 mln BP Spill Claim – Because He Didn't Lose Any Money

The 5th U.S. Circuit Court of Appeals has overturned a \$1.5 million award to ex-NBA All Star David West, who claimed he qualified for a payout in the BP oil spill settlement because he earned less in 2010 than in 2009.

**Reuters** reporter **Alison Frankel** explains that West “was in the fourth year of a five-year, \$45 million contract with the New Orleans Hornets when the Deepwater Horizon rig exploded in 2010. West was paid every penny of the \$45 million he was owed under his contract, including the full amount he was due in the year after the spill. He nevertheless argued – and the settlement administrator agreed – that under the definitions and formulas in BP settlement, he qualified for a payout for economic losses because he earned less in 2010 than in 2009. The 5th Circuit shut that right down.”

5th Circuit Judge Andrew Oldham, who wrote for the panel, didn't see it that way: “In 2010, he earned exactly what he was entitled to receive under his contract.”

**Read the Reuters article.**