

May 18, 2010

VIA E-MAIL, FACSIMILE (504) 736-2432 AND OVERNIGHT MAIL

Mr. Lars Herbst
Minerals Management Service
1201 Elmwood Park Blvd., Suite 100
New Orleans, LA 70123

Re: Richard Alan Schaff

Dear Mr. Herbst:

We have been retained to represent the interests of Richard Alan Schaff in connection with his administrative claim as described in 28 U.S.C. § 2675 and as a prerequisite to suit pursuant to the Federal Tort Claims Act 28 U.S.C. 1346(b), 1402(b), 2401(b) and 2671-2680, against the United States and more specifically in this administrative claim, the Minerals Management Service.

This administrative claim arises from the April 20, 2010 explosion aboard the Transocean Deepwater Horizon and the resulting leakage of oil into the Gulf of Mexico. Richard Alan Schaff suffered monetary damages of \$7,420.00 as a result of the incident and is hereby making a claim against the Minerals Management Service for recovery of \$7,420.00. Richard Alan Schaff was employed by C-Dive LLC and works as a commercial diving supervisor. His damages reflect his loss of income resulting from the cancellation of a diving job.

More specifically Richard Alan Schaff has in the past and was expected in this instance to earn \$35.00 per hour plus overtime and weekend hours for an 84 hour per week, 2 week job. The loss of the diving job created a negative economic impact on Mr. Schaff's gross earnings of \$7,420.00.

Richard Alan Schaff's claim is based on the negligent actions and omissions of the Minerals Management Service acting through its employees operating within the scope of their employment which directly contributed to the explosion, oil leakage and resulting economic damage suffered by Richard Alan Schaff. Specifically, without limitation, the Minerals Management Service's negligent failure to act in accord with specific non discretionary mandatory directives to ensure that drilling operations aboard the Transocean Deepwater Horizon were performed in accordance with federal,

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state and industry regulations, policy and procedures regarding drilling operations, safety and environmental considerations. This lax and in cases non existent oversight and/or enforcement is evidenced through the recent testimony of MMS personnel and documentation released pursuant to Freedom of Information Act requests. It is clear that the Minerals Management Service allowed the drilling operations in question to proceed in an unsafe manner which directly contributed to the explosion, oil leakage and resulting economic loss suffered by Richard Alan Schaff. The act's and omissions of the Minerals Management Service constitute negligence under Louisiana State law. In this instance the Minerals Management Service failed to act in accord with specific non discretionary mandatory directives.

Enclosed please find the Affidavit of Richard Alan Schaff evidencing our authorization to represent him in this claim. Also enclosed is a completed, executed form SF-95 Claim for Damage, Injury, or Death.

We would appreciate your acknowledgment of receipt of Richard Alan Schaff's administrative claim for damages and specifically the "presentment date".

We are available to discuss this matter and provide whatever additional relevant information or documentation you feel necessary to fully consider Richard Alan Schaff's claim.

Please contact us with any questions or comments.

With kind regards, I remain

Sincerely,

BOBBY J. DELISE
ALTON J. HALL, JR.
Counsel for Richard Alan Schaff

AJH, JR/crl

Enclosure

cc: S. Elizabeth Birnbaum, Director