

Juli E. Farris (CSB No. 141716)
jfarris@kellerrohrback.com
KELLER ROHRBACK L.L.P.
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Telephone: (805) 456-1496
Facsimile: (805) 456-1497

A. Barry Cappello (CSB No. 037835)
abc@cappellonoel.com
CAPPELLO & NOËL LLP
831 State Street
Santa Barbara, CA 93101-3227
Telephone: (805)564-2444
Facsimile: (805)965-5950

Robert J. Nelson (CSB No. 132797)
rnelson@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415)956-1000
Facsimile: (415) 956-1008

Lead Trial Counsel

Class Counsel
(additional counsel listed at signature)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEITH ANDREWS, an individual, et al.,

Case No. 2:15-cv-04113-PSG-JEMx

Plaintiffs,

**PLAINTIFFS' APPLICATION
UNDER L.R. 79-5.2.2(b) FOR LEAVE
TO FILE UNDER SEAL
PLAINTIFFS' STATUS REPORT,
SUPPORTING DECLARATION, AND
RELATED DOCUMENTS**

v.

PLAINS ALL AMERICAN PIPELINE,
L.P., a Delaware limited partnership, et al.,

Defendants.

Judge: Hon. Philip S. Gutierrez

I. INTRODUCTION

Pursuant to Local Rule 79.5-2.2(a), Plaintiffs respectfully submit this Application for Leave to File Under Seal (the “Application”), certain documents filed in connection with the Status Report Regarding Fisher and Property Class Settlement Distribution and Disposition of Residual Funds, filed contemporaneously with this Application, as well as a letter submitted to the Court on behalf of 29 individuals who wish to file claims in the Fisher Settlement. These documents contain confidential information, personally identifying information and materials that are protected from disclosure by law. Prior to filing this Application, counsel for Plaintiffs conferred with counsel for Plains via email, who do not oppose this Application. Consistent with LR 79, Plaintiffs have endeavored to limit the request to those portions of the record for which protection is warranted. *See* Declaration of Juli E. Farris in Support of Application for Leave to File the Under Seal (“Farris Decl.”) ¶ 2.

II. NATURE OF INFORMATION REQUESTED TO BE SEALED

Plaintiffs move to seal personally identifying information, financial information, confidential claim information and information protected from disclosure by regulations of the California Department of Fish and Wildlife (CDFW) that is contained in or attached to their Status Report Regarding Fisher and Property Class Settlement Distribution and Disposition of Residual Funds, filed contemporaneously with this Application. In addition, Plaintiffs move to seal portions of the letters submitted on behalf of 29 Fisher claimants (the “San Pedro Group”), to the extent it contains information protected from disclosure by the Federal Rules of Civil Procedure or CDFW regulations. Given that these claimants are not separately represented by counsel, and it is not clear that whether they intended to make the information public, or understood their options to protect the material, Class Counsel asks that the Court place these records under seal.

III. DOCUMENTS AT ISSUE

Plaintiffs move to seal following documents:

Document	Portions to Be Filed Under Seal
Status Report	Personal information; claim information; CDFW data
Declaration of Genevieve Pierce	Personal information; claim information; CDFW data
Pierce Decl., Exhibit A (Letter to Claimant)	Personal information; claim information; CDFW data
Pierce Decl., Exhibit B (copy of claim award check stub)	Bank account information, per Fed.R.Civ.P. 5.2
Farris Decl., Exhibit C (San Pedro Group Letter)	Personal information; claim information; CDFW data
Farris Decl., Exhibit D (Claimant letter)	Personal information; claim information; CDFW data

IV. LEGAL STANDARD

The general right of the public to access judicial records can be overcome where there are “compelling reasons” to keep the records sealed. *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 679 (9th Cir. 2010). Pursuant to Local Rule 79-5.2.2(a), the accompanying Declaration demonstrates compelling reasons why the strong presumption of public access is overcome in this instance.

V. ARGUMENT

The materials in question consist of communications with Fisher claimants, who were absent members of the class but not parties to the litigation. The materials contain sensitive information not typically subject to disclosure, including financial information, and personally identifying information protected from disclosure by the Federal Rules of Civil Procedure, as well as sensitive or private information. In addition, some of the records contain information protected from disclosure by California law. *See* Cal. Fish & Game Code § 8043 *et seq.* Class Counsel makes this request to protect the interests of

1 these absent class member claimants, to avoid unnecessary risks and to avoid the potential
2 for inadvertent disclosure or waiver of privilege. Good cause exists to file these exhibits
3 under seal both in order to protect the privacy of those individuals and to fulfill the Court
4 and counsel’s obligation to protect the class action process by not creating unnecessary
5 risks of prejudice or unfairness to absent class members. California law requires
6 confidential treatment of CDFW fishing records, *see* Cal. Fish & Game Code § 8043 *et*
7 *seq.*, and the Court has ordered that the data produced by CDFW shall be treated at
8 CONFIDENTIAL-ATTORNEY’S EYES ONLY. ECF No. 719 at 2. Moreover, the
9 California Fish & Game Code (“Code”) provides that “[t]he receipts, reports, or other
10 records filed with the department . . . shall, except as otherwise provided in this section,
11 be confidential, and the records shall not be public records. Insofar as possible, the
12 information contained in the records shall be compiled or published as summaries, so as
13 not to disclose the individual record or business of any person.” *Id.* § 8022(a).

14 **VI. CONCLUSION**

15 For these reasons, Plaintiffs’ respectfully request that the Court grant their
16 Application for Leave to File Under Seal Plaintiffs’ Status Report, Supporting
17 Declaration, and Related Documents.

18
19
20 Dated: October 23, 2024

Respectfully submitted,

21 KELLER ROHRBACK L.L.P.

22 By: /s/ Juli E. Farris

23 Juli E. Farris (CSB No. 141716)
24 Matthew J. Preusch (CSB No. 298144)
25 Alison Chase (CSB No. 226976)
26 KELLER ROHRBACK L.L.P.
27 801 Garden Street, Suite 301
28 Santa Barbara, CA 93101
Telephone: (805) 456-1496

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Lynn Lincoln Sarko
(Admitted Pro Hac Vice)
Gretchen Freeman Cappio
(Admitted Pro Hac Vice)
Michael D. Woerner
(Admitted Pro Hac Vice)
Daniel Mensher
(Admitted Pro Hac Vice)
Laura R. Gerber
(Admitted Pro Hac Vice)
KELLER ROHRBACK L.L.P.
1201 Third Ave, Suite 3400
Seattle, WA 98101
Telephone: (206) 623-1900

Elizabeth J. Cabraser (CSB No. 083151)
Robert J. Nelson (CSB No. 132797)
Nimish Desai (CSB No. 244953)
Wilson M. Dunlavey (CSB No. 307719)
Jacob H. Polin (CSB No. 311203)
LIEFF CABRASER
HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956.1000

Class Counsel

A. Barry Cappello (CSB No. 037835)
Leila J. Noël (CSB No. 114307)
Lawrence J. Conlan (CSB No. 221350)
David L. Cousineau (CSB No. 298801)
CAPPELLO & NOËL LLP
831 State Street
Santa Barbara, CA 93101-3227
Telephone: (805) 564-2444

Lead Trial Counsel

CERTIFICATE OF SERVICE

I, Juli Farris, hereby certify that on October 23, 2024, I electronically filed the foregoing with the Clerk of the United States District Court for the Central District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Juli Farris

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEITH ANDREWS, an individual, et al.,
TIFFANI ANDREWS, an individual,

Plaintiffs,

v.

PLAINS ALL AMERICAN PIPELINE,
L.P., a Delaware limited partnership, et al.,

Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' APPLICATION
UNDER L.R. 79-5.2.2(b) FOR LEAVE
TO FILE UNDER SEAL
PLAINTIFFS' STATUS REPORT,
SUPPORTING DECLARATION, AND
RELATED DOCUMENTS**

Judge: Hon. Philip S. Gutierrez

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Having considered Plaintiffs' Application for Leave to File Under Seal Plaintiffs' Status Report, Supporting Declaration, and Related Documents and materials submitted in support thereof, and finding compelling reasons exist, the Application is hereby GRANTED.

1 IT IS HEREBY ORDERED THAT the following documents should be sealed
2 accordingly:

Document	Portions to Be Filed Under Seal
Status Report	Personal information; claim information; CDFW data
Declaration of Genevieve Pierce	Personal information; claim information; CDFW data
Pierce Decl., Exhibit A (Letter to Claimant)	Personal information; claim information; CDFW data
Pierce Decl., Exhibit B (copy of claim award check stub)	Bank account information, per Fed.R.Civ.P. 5.2
Farris Decl., Exhibit C (San Pedro Group Letter)	Personal information; claim information; CDFW data
Farris Decl., Exhibit D (Claimant letter)	Personal information; claim information; CDFW data

14
15 **IT IS SO ORDERED.**

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17 Dated: _____

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Honorable Philip S. Gutierrez

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Juli E. Farris (CSB No. 141716)
jfarris@kellerrohrback.com
KELLER ROHRBACK L.L.P.
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Telephone: (805) 456-1496
Facsimile: (805) 456-1497

A. Barry Cappello (CSB No. 037835)
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275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
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Lead Trial Counsel

Class Counsel
(additional counsel listed at signature)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEITH ANDREWS, an individual, et al.,

Plaintiffs,

v.

PLAINS ALL AMERICAN PIPELINE,
L.P., a Delaware limited partnership, et al.,

Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**STATUS REPORT REGARDING
FISHER AND PROPERTY CLASS
SETTLEMENT DISTRIBUTION AND
DISPOSITION OF RESIDUAL
FUNDS**

Judge: Hon. Philip S. Gutierrez

I. INTRODUCTION

Class Counsel submits this Report to apprise the Court of the status of settlement distributions to members of the Fisher Class and Property Class, to make recommendations regarding the resolution of additional requests from claimants, and to develop a process for distributing residual funds, to the extent such funds remain.¹ A proposed order is filed concurrently with this report.

I. STATUS OF CLAIMS PROCESS

In its August 2, 2024, Order Regarding Distribution Of Remaining Funds to Fisher and Property Classes (“August Order,” Dkt. No. 991), this Court resolved all claimant objections to the Notices of Rejected Claims and objections to amounts of claim awards. It also accepted the submission of late claims from those who had requested permission to submit them on or before August 1, 2024, if they could be validated by the Settlement Administrator within 30 days of the date of the August Order (September 3, 2024). Finally, it authorized payment of a Supplemental Distribution to the Verified Claimants in each Class, from the funds remaining available for distribution after the late claims. *See* August Order.

As of September 3, 2024, a total of 15 unique Property New Late Claims were received from claimants who had contacted the Settlement Administrator prior to August 2, 2024. Seven of these claims, with a total value of \$509,019.71, were determined to be valid as of the September 3, 2024, deadline. Declaration of Genevieve Pierce (“Pierce Decl.”) ¶ 5. The Settlement Administrator has processed these claims for payment. Of the eight remaining (non-duplicative) claims received before August 2, 2024, seven were still deficient as of the September 3, 2024 deadline for completion, and one was submitted for

¹ Counsel for Plains were notified of this proposal, including the identity of the proposed *cy pres* recipients, via email on October 17, 2024, and advised the same day that Plains takes no position regarding the plan.

1 a property that is not part of the Class.² After the payments to the seven valid claims are
2 made, and administrative costs previously approved by this Court are deducted, a balance
3 of approximately \$1.7 million will remain in the Property Net Settlement Fund. *Id.*

4 As of September 3, 2024, a total of 10 unique Fisher New Late Claims were
5 received from claimants who had contacted the Settlement Administrator prior to August
6 2, 2024. Seven of these claims, with a total value of \$28,347.85, were determined to be
7 valid as of the September 3, 2024, deadline, and the Settlement Administrator has initiated
8 payments for these claims as directed in the August Order.³ After these payments are
9 made, and administrative costs previously approved by this Court are deducted, a balance
10 of approximately \$4.9 million will remain in the Fisher Net Settlement Fund. Pierce Decl.
11 ¶ 6.

12 Since the entry of the Court's August Order, the Settlement Administrator and
13 Class Counsel have been contacted by at least 23 purported Property Claimants and at
14 least 28 individuals who claim to be or represent as many as 50 members of the Fisher
15 Class. Pierce Decl. ¶ 7. Although these claims are brought more than two years after
16 Preliminary Approval and nearly two years after the claims process ended, it appears that
17 at least some are bona fide members of the respective Classes, with otherwise valid
18 claims.

19 Admittedly, the on-going administrative costs for such initiatives, the extended
20 strain on Court resources, and uncompensated time invested by Class Counsel mean that
21 the window of feasibility for additional rounds of payments will soon close. At the same
22 time, given that all timely submitted claims in each Class have been paid in full, and that
23 funds remain available in each of the Net Settlement Funds, Class Counsel believe that
24

25 ² Eight duplicative claims were submitted as of August 2, 2024, and two Property
26 claimants identified in the August Status Report did not submit claims, despite invitations
27 by the Settlement Administrator to do so.

28 ³ One remaining Fisher claimant identified in the August Status Report did not submit a
claim by the September deadline, despite invitations by the Settlement Administrator to
do so.

1 one final round of payments is still feasible, for those claimants who submit valid claims
2 as of October 31, 2024. Distribution of the remaining funds to these additional Class
3 Members, provided their claims can be verified, is also consistent with the goals of Rule
4 23 and guidance from state and federal courts. *See, e.g., Principles of the Law of*
5 *Aggregate Litigation* § 3.07(a)–(b) (Am. L. Inst. 2010); *In re Citigroup Inc. Sec. Litig.*,
6 199 F. Supp.3d 845 (S.D.N.Y. 2016). Because the amounts available for each class and
7 the size of the anticipated claims differ, Class Counsel’s recommendation for the final
8 distribution to each Class is described in more detail below.

9 **II. PROPOSED DISTRIBUTION OF REMAINING FUNDS**

10 **A. Disposition of Remaining Property Net Settlement Fund**

11 As indicated above, approximately \$1.7 million will remain in the Property Fund
12 after the verified claims approved for submission by the Court’s August Order are paid
13 (and after deducting previously approved administrative fees and costs). Seven of the
14 claimants whose late claims were contemplated at the time of the Court’s August Order
15 are still deficient, and two anticipated claims were not submitted. In addition, 23
16 additional claimants have submitted or asked to submit new claims since the August Order
17 was entered.⁴ The estimated value of these 32 remaining claims, if validated, totals
18 \$1,544,528.24. Pierce Decl. ¶ 7.

19 Class Counsel recommends that the Court instruct the Settlement Administrator to
20 pay each of the remaining Property Claims that are submitted on or before October 31,
21 2024, if validated, in the order in which they are completed, without deficiencies (the
22 “Second Late Property Claim Distribution”), leaving a balance of approximately
23 \$300,000 for the Supplemental Distribution approved in the Court’s August Order, after
24 additional administrative costs are deducted. While the additional late claim distribution
25 will reduce the funds available for Supplemental Distribution to existing claimants, given

26 _____
27 ⁴ As in the past, these claimants advise that they did not receive notice by mail because of
28 changes in ownership or residence of the properties at issue, or that claim forms were
inadvertently lost or overlooked.

1 that all pending property claims have been paid in full, a final distribution to Class
2 Members who have not yet received such funds will ensure that the funds are awarded to
3 the greatest number of Class Members for whom they were intended.

4 Although the August Order states that the Supplemental Distribution will be made
5 on a pro rata basis, given the limited funds available compared to the total number of
6 claimants, the number of *de minimus* claim checks that could result from a pro rata
7 distribution, and to reduce administrative costs, Class Counsel recommend that the
8 Supplemental Distribution be made on a per claim basis to those Verified Claimants who
9 have previously received awards. This would result in supplemental awards of
10 approximately \$250–300 per claimant, an amount sufficient to ensure that claimants are
11 incentivized to deposit the checks.

12 Class Counsel further recommends that the Court instruct the Settlement
13 Administrator to reject any claims that are submitted after October 31, 2024, or remain
14 deficient 30 days after the deadline. This will ensure that the current claims process can
15 be closed and that administrative costs do not further exhaust the funds available for
16 distribution.

17 Class Counsel do not expect any funds to remain available for distribution from the
18 Property Net Settlement Fund after the Supplemental Distribution is completed, but
19 recommend that, to the extent any residual remains, it should be designated as a *cy pres*
20 award, as described below.

21 **B. Disposition of Remaining Fisher Net Settlement Fund**

22 As indicated above, the Settlement Administrator has processed for payment seven
23 verified Fisher claims approved for submission by the Court’s August Order, with total
24 value of \$28,347.85. Approximately \$4.9 million will remain available for distribution in
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1 the Fisher Net Settlement Fund after these seven payments are made (after deducting
2 previously anticipated administrative fees and costs).⁵ Pierce Decl. ¶ 6.

3 Two of the late claims that were contemplated at the time of the Court’s August
4 Order are still deficient, and the Settlement Administrator does not anticipate that these
5 deficiencies will be cured. Additionally, one claimant failed to establish class
6 membership, and two anticipated claims were not submitted, despite the invitation to do
7 so. Pierce Decl. ¶¶ 5–6. In addition, 28 individuals have asked to submit new claims since
8 the Court’s August Order was entered. Pierce Decl. ¶ 7. Two of these, [REDACTED] and
9 [REDACTED], submitted a letter to the Court, on behalf of [REDACTED]
10 [REDACTED], and 27 others (the “San Pedro Group”), challenging the notice and distribution
11 procedures. Dkt. No. 993 (“San Pedro Letter”).⁶ One additional claimant, [REDACTED]
12 notified Class Counsel that [REDACTED]
13 [REDACTED]⁷ Pierce
14 Decl. ¶ 21. Class Counsel address these complaints, together with Class Counsel’s
15 response and recommendations.

16 **1. Notice deadlines and Procedures.**

17 The San Pedro Group and others have contacted the Settlement Administrator since
18 August 1, 2024, asking to submit late claims. In particular, the San Pedro Group members
19 complain that they did not receive notice of the class action and were previously unaware
20 of the settlement, despite the robust, multi-lingual notice program and extensive media
21 coverage. They attest, for example, that language barriers and isolation in remote areas
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26 ⁵ These funds include the 1% held in reserve to resolve disputed claims, and interest
27 accrued since the Fund was established in 2022.

28 ⁶ A redacted version of this document is attached to the Declaration of Juli Farris, as
Exhibit C, consistent with Plaintiffs’ application to file the document under seal.

⁷ [REDACTED] letter to Class Counsel is attached. See Decl., Ex. D.

1 contributed to their lack of access to the information regarding the Settlement and
2 deadlines for submitting claims.⁸

3 The Settlement Administrator’s records confirm that notice was mailed to at least
4 eight of the San Pedro Fisher Group members. Pierce Decl. ¶ 15. Five of these claimants
5 failed to submit the claim form mailed to them before the October 31, 2022, deadline. *Id.*
6 All three of the claims from the two Group members who submitted them before the
7 October 31, 2022, deadline were paid. *Id.*

8 The names and license information for most, if not all, of the remaining claimants,
9 who have contacted the Settlement Administrator since August 1, 2024, do not appear in
10 any of the CDFW data associated with qualified landings (i.e., landings in the appropriate
11 blocks, for qualified species, during relevant time periods), and thus do not appear on the
12 Class membership lists from which mailed notice was provided. Pierce Decl. ¶ 15. The
13 Settlement Administrator was unable to verify that any of these individuals are members
14 of the Class based on the information provided. Pierce Decl. ¶ 18 As a result, their requests
15 to submit claims, made long after the deadline for doing so, were rejected by the
16 Settlement Administrator. The complainants acknowledge that they cannot provide any
17 landings data to demonstrate their Class membership, because CDFW landings records
18 only identify one fishing license per landing. *See* San Pedro Letter at 5. They argue that,
19 as crew members who worked on vessels that had qualified landings, they have met the
20 Class definition and are therefore entitled to compensation. *See Id.* at 1–3.

21 Class Counsel reject any contention that the notice program was inadequate. As a
22 matter of law, “perfect notice” is not required. *Bruno v. Quten Rsch. Inst., LLC*, No.
23 SACV 11-00173 DOC(Ex), 2012 WL 12886843, at *1 (C.D. Cal. July 16, 2012). Instead,
24 Rule 23(c)(2) requires “the best notice that is practicable under the circumstances,” a
25 standard that the robust notice program in this instance clearly surpassed. *Id.* In addition

26 _____
27 ⁸ Fifteen Fishers who are not part of the San Pedro Group have also asked to submit
28 claims since the August Order was entered. Although not individually addressed, Class
Counsel’s response and recommendations apply to their claims as well.

1 to repeated mailings to each and every fisher and business identified in the landings data
2 supplied by the CDFW, the notice included publication in English, Spanish, Vietnamese,
3 and Chinese languages; participation of industry trade groups; and widespread media
4 coverage. *See* Decl. of Jennifer M. Keough Regarding Class Notice, Dkt. No. 959
5 (“Keough Decl.”) (explaining notice statistics). As this Court has previously held, the
6 notice plan was properly effectuated, “constitute[d] the best notice practicable under the
7 circumstances of this Action,” and fully complies with all applicable laws. Order Granting
8 Final Approval of Proposed Settlement, Dkt. No. 978 ¶ 3.

9 Validation of Class membership is also an important safeguard to ensure that
10 available Settlement Funds are distributed to actual victims, rather than opportunists.⁹ The
11 Settlement Administrator’s use of CDFW records to verify Class membership, and
12 adherence to both Class membership requirements and applicable claim deadlines, have
13 minimized risks of fraud and ensured that Settlement Funds have been distributed to bona
14 fide Class Members injured by the oil spill.

15 **2. Claim Amounts were appropriate.**

16 The San Pedro Group object to the Fixed Share Award (identified as a “reward” in
17 their letter), apparently believing that it is too small. *See* San Pedro Group Letter at 5. [REDACTED]
18 [REDACTED] expresses similar sentiments in her letter to Class Counsel. Neither claim is true.
19 The settlement award distribution mirrors the model developed by Plaintiffs’ expert to
20 calculate damages to be proved at trial, and relies upon the same CDFW data for these
21 calculations. The size of each Fisher Claimant award is determined by the landings
22 information supplied in the government data. The Fisher Notice and Plan of Distribution
23 both make clear that the settlement awards are to be based upon CDFW data. *See, e.g.,*
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26 ⁹ *See, e.g.,* Diana Jones, *US Class Action Settlements Flooded With Fraudulent Claims by*
27 *Scammers*, Reuters (May 2, 2024), [https://www.usnews.com/news/top-](https://www.usnews.com/news/top-news/articles/2024-05-02/us-class-action-settlements-flooded-with-fraudulent-claims-by-scammers)
28 [news/articles/2024-05-02/us-class-action-settlements-flooded-with-fraudulent-claims-by-](https://www.usnews.com/news/top-news/articles/2024-05-02/us-class-action-settlements-flooded-with-fraudulent-claims-by-scammers)
[scammers](https://www.usnews.com/news/top-news/articles/2024-05-02/us-class-action-settlements-flooded-with-fraudulent-claims-by-scammers) (last visited Oct. 18, 2024).

1 Keough Decl. Ex. A at 1–2 (Fisher Notice); Plan of Distribution for the Fisher Class
2 (“Fisher Plan of Distribution”), Dkt. No. 951-1 ¶ 2.

3 The Settlement Plan of Distribution recognized that some crew members would be
4 unable to rely on landings records to establish their Class membership or provide
5 information from which a claim could be calculated, because their licenses do not appear
6 in the claims data, even though they worked on boats with others for whom the CDFW
7 data did show landings.¹⁰ Fisher Plan of Distribution ¶¶ 47–49, 63. Indeed, the Fixed
8 Share Award was established to compensate those who were bona fide members of the
9 Class, but would be unable to quantify their claims. Fisher Plan of Distribution ¶ 63; *See*
10 *also* Order Granting Plaintiffs’ Motion for Approval of Plans of Distribution, Dkt. No.
11 979 at 3 (“The Fisher Plan distributes the Fisher Net Settlement Fund based largely on
12 the claimant’s proportional share of landings, and also includes a fixed payment
13 distributed equally to all verified claimants, thus ensuring all claimants receive
14 meaningful compensation in exchange for releasing their claims.”).¹¹

15 The San Pedro Group seem to believe that other claimants received settlement
16 awards that their members were entitled to receive or share. *See* San Pedro Letter at 3–4.
17 Class Counsel take no position on whether any settlement claim recipient had any
18 obligation to distribute funds from that claim to any crew member, nor would Counsel or
19 the Settlement Administrator be in a position to resolve such a dispute should it arise. *See*
20 Pierce Decl. ¶19.¹² But the claim submission process required that each Settlement
21

22 ¹⁰ Indeed, the Settlement Administrator and Class Counsel expended significant time and
23 effort to verify Class Membership and calculate Settlement awards for crew members
24 who filed timely claims. Given the months-long delay and significant expense, such
25 effort is no longer feasible. Pierce Decl. ¶ 18.

26 ¹¹ The objections lodged by [REDACTED] and the San Pedro Group are, in essence,
27 complaints regarding the amount established for the Fixed Share Awards under the Plan
28 of Distribution approved by the Court. The deadline for lodging such objections expired
more than two years ago. *See* Order Granting Preliminary Approval of Proposed
Settlement, Dkt. No 949 ¶¶ 14, 17.

¹² References in the letter to Designated Recipients are similarly out of context. While the
Plan of Distribution permitted an award recipient to make such a designation, the
claimant was required to notify the recipients and the proposed recipient was required to

1 recipient confirm, under penalty of perjury, that they were entitled to the funds requested.
2 The check stub also included the following language: “Consistent with the terms of the
3 Settlement and Distribution Plan, by endorsing and/or depositing this check, you
4 acknowledge that, if any other party is entitled to a portion of this Settlement payment,
5 you agree to pay any such portion to such other party.” Pierce Decl. ¶ 19, Ex. B. The
6 expectation that the claim recipient would distribute funds to crew members who might
7 be entitled to them is consistent with industry practice that crew members are typically
8 paid from the revenue obtained by the captain or vessel owner. *See, e.g.,* San Pedro Letter
9 at 4; *see also* Amended and Supplemental Expert Report of Peter Rupert, Ph.D., Dkt. No.
10 606-19 at 9–10, 13; Supplemental Expert Report of Peter Rupert, Ph.D., Dkt. No. 929-2
11 (referencing industry guidelines).

12 The San Pedro Group also objects that they were not given more assistance in
13 submitting claims. In reality, the Settlement Administrator and Class Counsel have spent
14 countless hours in communication by phone and email with [REDACTED]
15 [REDACTED] and others. Pierce Decl. ¶ 18.

16 In support of their argument, the San Pedro Group reference FAQs (frequently
17 asked questions) from the Settlement Administrator’s website that explain the process by
18 which those who submitted claims before the deadline, were permitted to submit
19 additional documentation to support their claims. *See* Plains Oil Spill Settlement,
20 *Frequently Asked Questions*, (“Notice Website”) (explaining in FAQ 13 that “[i]f you
21 worked on or owned a vessel . . . [y]ou needed to submit additional documentation to
22 support your Claim in order to demonstrate that you participated in landing Qualifying
23 Catch” and linking to Plan of Distribution, Dkt. No. 951-1).¹³ The language cited is
24 consistent with the Plan of Distribution, which states that “Settlement Class Members

25 _____
26 file a separate claim before the October 2022 deadline. Fisher Plan of Distribution ¶¶ 48,
27 56, 81. If the Designated Recipient claim was not filed, the funds were issued to the
28 original claimant. *Id.* ¶ 81.

¹³ <https://www.plainoilspillsettlement.com/faq> (last visited Oct. 18, 2024).

1 who are not identified in the CDFW Landing Records may timely submit Claims and
2 provide other documentation for evaluation by the Settlement Administrator” to be treated
3 as Verified Claimants. Plan of Distribution ¶ 47. But the FAQs and other sections of the
4 Settlement website also make clear that the deadline for requesting claim forms and
5 submitting claims ended almost two years ago. Notice Website, FAQs 4, 11, 13, 18.
6 Indeed, as the Court is aware, Class Counsel and the Settlement Administrator spent
7 nearly a year conducting outreach and assisting claimants to provide documentation and
8 cure deficiencies in their claims.¹⁴ See, e.g. Stipulation to Extend Deadline to Distribute
9 Settlement Funds, Dkt. No. 981; Order Granting Extending Deadline to Distribute
10 Settlement Funds, Dkt. No. 982; Status Report and Request for Deadlines and Procedures
11 Regarding Settlement Distribution, Dkt. No. 983; Order Regarding Deadlines and
12 Procedures, Dkt. No. 984.

13 The most recent round of late claims, including [REDACTED] required even more
14 time on a per claimant basis. As an example, JND estimates that during August and
15 September 2024 it dedicated more than 400 hours to corresponding with claimants by
16 phone and email regarding the New Late Claim submissions authorized in the Court’s
17 most recent order, analyzing supporting documentation, addressing additional
18 Settlement-related communications generated by the extended deadline, and tracking
19 submissions. Pierce Decl. ¶ 22. And the effort has not always been successful in resolving
20 claim deficiencies. For example, while [REDACTED]

21 [REDACTED]
22 [REDACTED] Pierce Decl. ¶¶ 10–17.
23 Reopening such an intensive and time-consuming claims process for an extended period
24 would be impractical and expensive. More importantly, it would delay all remaining
25 payments and postpone resolution of the claims process for a year or more, without any

26 _____
27 ¹⁴ The San Pedro Fisher Group incorrectly describes this as an extension of the deadline,
28 but in reality, the extension applied to the completion of existing claims, not to the
submission of new claims.

1 guarantee that the remaining claim deficiencies could be, or would be, cured. As [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]¹⁵

5 **3. Class Counsel Recommendation**

6 Class Counsel are confident that the claims program, deadlines, and distribution
7 process were robust and fair. Nevertheless, given that all timely submitted Fisher claims
8 have been paid in full, Class Counsel recommend that those who still seek to file claims
9 should be provided a short window to do so, and that the Settlement Administrator should
10 be directed to consider and pay those submitted within the timeline that can be verified.
11 To the extent such individuals were in fact victims of the Oil Spill, payment of such claims
12 serves the goals of Rule 23.¹⁶

13 At the same time, given that the majority of the remaining claims are brought by
14 those whose license information is not included in the CDFW data, additional procedures
15 are warranted to allow the Settlement Administrator to quickly and expediently verify
16 each claim, and avoid the possibility of an “open class” program that would be susceptible
17 to fraud.¹⁷

18 Class Counsel recommends, therefore, that the Court instruct the Settlement
19 Administrator to accept claim forms through October 31, 2024, together with copies of
20 valid CDFW fishing licenses or receipts: 1. for at least one year during the period January

21 _____
22 ¹⁵ Indeed, to the extent that the San Pedro Group, [REDACTED] or others are dissatisfied
23 with the claim amounts they have received, the most practical solution at this point is to
24 resolve all remaining claims quickly and expeditiously so that the Supplemental
25 Distribution can be issued

26 ¹⁶ Because [REDACTED]
27 [REDACTED]
28 [REDACTED] Pierce Decl. ¶ 21. Class Counsel do not recommend any further adjustment to
her award.

¹⁷ See, Jones, *supra* note 8; *Increase of Fraudulent Claims is ‘Stunning’*, Epiq,
[https://www.epiqglobal.com/en-us/resource-center/advice/increase-of-fraudulent-claims-
is-stunning](https://www.epiqglobal.com/en-us/resource-center/advice/increase-of-fraudulent-claims-is-stunning) (last visited Oct. 18, 2024).

1 1, 2010–May 19 , 2015; 2. valid as of May 19, 2015, the date of the Oil Spill, and; 3. for
2 each year during the period May, 2015–May, 2020 for which the claimant seeks damages
3 (“Second Late Fisher Distribution”). The Settlement Administrator can pay those Fisher
4 Claims submitted by the deadline that can be verified, in the order in which the
5 submissions are completed, without deficiencies. Class Counsel further recommends that
6 the Court instruct the Settlement Administrator to reject any claims that are submitted
7 after the October 31, 2024, deadline, or that remain deficient 30 days after the deadline.
8 This will ensure that the current claims process can be closed and that administrative costs
9 do not further exhaust the funds available for distribution.

10 Given the remaining balance of the Fisher Fund, Class Counsel do not expect the
11 Fisher Final Distribution to exhaust the Fisher Net Settlement Fund and recommend that
12 the remaining funds be distributed as Supplemental Fixed Shares to each Verified
13 Claimant who previously received a Settlement award. Establishing fixed shares will
14 reduce the administrative costs of calculating the distribution, minimize the possibility of
15 miniscule checks to any claimant, and reduce windfall payments to those with the largest
16 initial recoveries.

17 Once the Second Late Fisher Distribution and Fisher Supplemental Distribution is
18 complete, Class Counsel do not expect any funds to remain available for distribution from
19 the Fisher Net Settlement Fund, but recommend that to the extent any residual remains,
20 it should be designated as a *cy pres* award, as described below.

21 **C. Disposition of Any Residual Funds**

22 When the Second Late Claim and Supplemental Distributions to the Fisher Class
23 and Property Class are completed, Class Counsel expect that both Net Settlement Funds
24 will be exhausted. Even to the extent that residual funds remain, the administrative costs
25 of additional rounds of distribution would exceed the funds available rendering further
26 distribution to Class Members unfeasible. In these circumstances, where recovery by
27 victims is no longer feasible, distribution of any remaining residual funds as a *cy pres*
28

1 award to one or more non-profits, whose missions are consistent with the purpose and
2 objectives of the lawsuit and the interests and geographic scope of the Fisher and Property
3 Classes, is an appropriate way to ensure use of such funds. *See, e.g., Nachshin v. AOL,*
4 *LLC*, 663 F.3d 1034, 1039–40 (9th Cir. 2011) (citing *Six Mexican Workers v. Arizona*
5 *Citrus Growers*, 904 F.2d 1301, 1307 (9th Cir. 1990)) (*Cy pres* distributions must account
6 for the nature of the plaintiffs’ lawsuit, the objectives of the underlying statutes at issue,
7 and the interests of the silent class members, including their geographic diversity); Cal.
8 Code of Civil Procedure § 384(b) (authorizing distribution of any “residue or unclaimed
9 or abandoned class member funds, plus any interest that has accrued thereon, to nonprofit
10 organizations or foundations to support projects that will benefit the class or similarly
11 situated persons, or that promote the law consistent with the objectives and purposes of
12 the underlying cause of action”); Principles § 307(c) (Am. L. Inst. 2010) (“If the court
13 finds that individual distributions are not viable based upon the criteria set forth in
14 subsections (a) and (b), the settlement may utilize a *cy pres* approach. The court, when
15 feasible, should require the parties to identify a recipient whose interests reasonably
16 approximate those being pursued by the class”).

17 In accordance with these provisions, Class Counsel respectfully request the Court
18 to designate the Commercial Fishermen of Santa Barbara (CFSB) as the *cy pres*
19 beneficiary for the Fisher Class and Santa Barbara Channelkeeper (SBC) as the *cy pres*
20 beneficiary for the Property Class.

21 CFSB is a non-profit organization which, according to its website, predominantly
22 serves “small-scale, independent fishermen, mostly operating family-owned fishing
23 businesses.”¹⁸ Its membership, limited to “individuals who earn their livelihood or a
24 substantial portion by commercial fishing [who] must have a commercial fishing license,”
25
26

27 ¹⁸ *Our Mission*, Commercial Fishermen of Santa Barbara, <https://www.cfsb.info/mission>
28 (last visited Oct. 18, 2024).

1 closely aligns with the membership of the Fisher Class.¹⁹ CFSB’s mission is to: “1.
2 Provide healthy, high quality seafood to local and global markets; 2. Ensure the economic
3 and biological sustainability of fisheries, and 3. Maintain California's fishing heritage. ...
4 To fulfill these goals and foster innovation, we connect fishermen, scientists, community
5 leaders and industry supporters. We pursue new collaborations with trust, respect and
6 transparency. By building knowledge and skills, we create new human capital to achieve
7 our vision of fisheries co-management, wherein fishermen share responsibility with
8 government agencies in protecting our resources and preserving ocean health.”²⁰ These
9 objectives align closely with those of the Fisher Class, all of whom are, by definition, part
10 of the commercial fishing industry along the Central California Coast.²¹

11 The CFSB played a cooperative and active role in distributing Class notice and
12 Settlement information to its members, including hosting an informational session for its
13 members with Class Counsel at the Santa Barbara harbor to explain the Settlement
14 process. Although a number of Class Members, including some of the Fisher Class
15 Representatives, are members of CFSB, none of the named Plaintiffs currently serve as
16 officers or directors of the organization. Neither Plains, its Counsel, nor Class Counsel
17 have any pre-existing relationship with CFSB.

18 Santa Barbara Channelkeeper (SBC), according to its website, “is a grassroots non-
19 profit organization dedicated to protecting and restoring the Santa Barbara Channel and
20 its watersheds. Through science-based advocacy, education, field work and enforcement,
21 Channelkeeper defends our community’s right to clean water and informs, inspires and
22 empowers people to speak and act for our waterways.”²² Its service area, “500 square

23 _____
24 ¹⁹ *CFSB Membership*, Commercial Fishermen of Santa Barbara,
https://secure.lglforms.com/form_engine/s/CJ1z7X42uIo6bQSyA0fs9A (last visited Oct.
18, 2024).

25 ²⁰ Commercial Fishermen of Santa Barbara, *supra* note 15.

26 ²¹ According to Charity Navigator, CFSB is a 501(c)(3) charity, but has not been rated by
Charity Navigator. *Commercial Fishermen of Santa Barbara*, Charity Navigator,
<https://www.charitynavigator.org/ein/952916932> (last visited Oct. 18, 2024).

27 ²² *Our Mission & Vision*, Santa Barbara Channelkeeper, [https://www.sbck.org/about-](https://www.sbck.org/about-us/our-mission-vision/)
28 [us/our-mission-vision/](https://www.sbck.org/about-us/our-mission-vision/) (last visited Oct. 18, 2024).

1 miles of coastal watersheds stretching from the Gaviota Coast to the Ventura River,”
2 closely aligns with the geographic area of the Property Class. It engages in advocacy to
3 develop and enforce water protection laws to ensure “clean beaches, healthy, flowing
4 streams, and a teeming, resilient ocean that support a thriving economy, offer healthy
5 habitat for fish and wildlife, and provide clean water and safe places for recreation for all
6 people and for future generations.” These goals align closely with the interests of the
7 Property Class Members, and the purposes of the litigation. SBC is a 501(c)(3) charity
8 that is highly rated by Charity Navigator.²³ Class Counsel have no pre-existing
9 relationship with SBC and are not aware of any pre-existing relationship between SBC
10 and Plains or Plaintiffs.

11 Awarding the *cy pres* funds to CFSB and SBC will ensure that any residual
12 settlement funds benefit members of the Fisher and Property Classes, respectively, and
13 serve the purposes for which the litigation was brought.

14 **D. Payment of Additional Administrative Fees and Costs**

15 The Settlement Administrator and consultants expect to expend additional time to
16 evaluate and verify the additional late claims, and communicate with claimants, before
17 completing the Supplemental Distributions and other work required to complete the
18 claims process. The Settlement Administrator estimates that an additional \$95,504.35 in
19 fees and costs for the Fisher Class and \$63,580 in fees and costs for the Property Class is
20 necessary to complete the project. Pierce Decl. ¶ 25. Class Counsel request approval to
21 hold these amounts in reserve for payment of additional administrative fees and costs, if
22 necessary, to complete the settlement distribution process.

23 **III. CONCLUSION**

24 For the reasons stated above, Class Counsel respectfully request that this Court
25 authorize payment of the Second Late Property Distribution, Second Late Fisher
26

27 ²³ *Santa Barbara Channelkeeper*, Charity Navigator,
28 <https://www.charitynavigator.org/ein/912151460> (last visited Oct. 18, 2024).

1 Distribution and the Fisher and Property Supplemental Distributions approved in the
2 August Order, as described above. To the extent any residual funds remain available for
3 distribution after these Distributions are completed and remaining administrative costs
4 are paid, Class Counsel request that the Court approve payment of a *cy pres* award to the
5 Commercial Fishermen of Santa Barbara of any funds remaining in the Fisher Net
6 Settlement Fund, and to Santa Barbara Channelkeeper of any funds remaining in the
7 Property Net Settlement Fund.

8 A proposed order is submitted with this status report. Class Counsel are also
9 available to appear, in person or via Zoom, should the Court wish to schedule a status
10 conference to discuss this report.

11
12 Dated: October 23, 2024

Respectfully submitted,

13 KELLER ROHRBACK L.L.P.

14 By: /s/ Juli E. Farris

15 Juli E. Farris (CSB No. 141716)
16 Matthew J. Preusch (CSB No. 298144)
17 Alison Chase (CSB No. 226976)
18 KELLER ROHRBACK L.L.P.
19 801 Garden Street, Suite 301
20 Santa Barbara, CA 93101
21 Telephone: (805) 456-1496

22 Lynn Lincoln Sarko (*Admitted Pro Hac Vice*)
23 Gretchen Freeman Cappio (*Admitted Pro Hac Vice*)
24 Michael D. Woerner (*Admitted Pro Hac Vice*)
25 Daniel Mensher (*Admitted Pro Hac Vice*)
26 Laura R. Gerber (*Admitted Pro Hac Vice*)
27 KELLER ROHRBACK L.L.P.
28 1201 Third Ave, Suite 3400
Seattle, WA 98101
Telephone: (206) 623-1900

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Elizabeth J. Cabraser (CSB No. 083151)
Robert J. Nelson (CSB No. 132797)
Nimish Desai (CSB No. 244953)
Wilson M. Dunlavey (CSB No. 307719)
LIEFF CABRASER
HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956.1000

Class Counsel

A. Barry Cappello (CSB No. 037835)
Leila J. Noël (CSB No. 114307)
Lawrence J. Conlan (CSB No. 221350)
David L. Cousineau (CSB No. 298801)
CAPPELLO & NOËL LLP
831 State Street
Santa Barbara, CA 93101-3227
Telephone: (805) 564-2444

Lead Trial Counsel

CERTIFICATE OF SERVICE

I, Juli Farris, hereby certify that on October 23, 2024, I electronically filed the foregoing with the Clerk of the United States District Court for the Central District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Juli Farris

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1 Juli E. Farris (CSB No. 141716)
 2 jfarris@kellerrohrback.com
 3 KELLER ROHRBACK L.L.P.
 4 801 Garden Street, Suite 301
 5 Santa Barbara, CA 93101
 Telephone: (805) 456-1496
 Facsimile: (805) 456-1497

A. Barry Cappello (CSB No. 037835)
 abc@cappellonoel.com
 CAPPELLO & NOËL LLP
 831 State Street
 Santa Barbara, CA 93101-3227
 Telephone: (805) 564-2444
 Facsimile: (805) 965-5950

6 Robert J. Nelson (CSB No. 132797)
 7 rnelson@lchb.com
 8 LIEFF CABRASER HEIMANN &
 BERNSTEIN, LLP
 9 275 Battery Street, 29th Floor
 10 San Francisco, CA 94111-3339
 Telephone: (415) 956-1000
 11 Facsimile: (415) 956-1008

Lead Trial Counsel

Class Counsel

(additional counsel listed at signature)

16
 17 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

18 KEITH ANDREWS, an individual, et al.,

19 Plaintiffs,

20 v.

21 PLAINS ALL AMERICAN PIPELINE,
 22 L.P., a Delaware limited partnership, et al.,

23 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

24 **DECLARATION OF GENEVIEVE**
PIERCE IN SUPPORT OF STATUS
REPORT REGARDING FISHER AND
PROPERTY CLASS SETTLEMENT
DISTRIBUTION AND DISPOSITION
OF RESIDUAL FUNDS

25 Judge: Hon. Philip S. Gutierrez

26
27
28

1 I, Genevieve Pierce, declare as follows:

2 1. I am a Senior Director at JND Legal Administration LLC (“JND”), the Court-
3 appointed Settlement Administrator in this case. This Declaration is based on my personal
4 knowledge, as well as upon information provided to me by knowledgeable JND
5 employees and Counsel for the Plaintiffs and Defendants (“Counsel”) and, if called upon
6 to do so, I could and would testify competently thereto.

7 2. JND previously filed a Declaration in Support of Motion for Preliminary
8 Approval of Class Action Settlement and Direction of Notice Under Rule 23(e), filed
9 May 13, 2022, ECF No. 944-2; a Declaration Regarding Compliance with the Class
10 Action Fairness Act, 28 USC § 1715, filed June 7, 2022, ECF No. 950-1; a Declaration
11 Regarding Class Notice, filed July 29, 2022, ECF No. 959; a Declaration Regarding Class
12 Notice Implementation and Settlement Administration Status, filed September 2, 2022,
13 ECF No. 974; a Declaration in Support of Status Report Regarding Settlement
14 Distribution to Fisher and Property Classes, filed April 3, 2024, ECF No. 983-1; and a
15 Declaration in Support of Status Report Regarding Rejected Claim Objections and
16 Recommendations for Distribution of Residual Funds, filed August 1, 2024, ECF No.
17 990-1. This Declaration is being filed to update the Court on the status of late claims, and
18 to provide recommendations for the distribution of residual Settlement¹ funds.

19 3. On September 20, 2022, the Court granted Final Approval of the Settlement
20 of this action and entered the Order Granting Final Approval of Proposed Settlement,
21 ECF No. 978 (“Final Approval Order”). Additionally, on September 20, 2022, the Court
22 entered an Order Granting Plaintiffs’ Motion for Approval of Plans of Distribution, ECF
23

24 ¹ Unless otherwise noted, capitalized terms have the meaning attributed to them in the
25 Settlement Agreement, ECF No. 944-1, and in the Plans of Distribution for the Fisher and
26 Property Classes, ECF No. 951.

1 No. 979. On April 3, 2024, Class Counsel filed a Status Report and Request for Deadlines
2 and Procedures Regarding Settlement Distribution to Fisher and Property Classes, ECF
3 No. 983 and, on that same day, the Court entered the Order Regarding Deadlines and
4 Procedures Re: Settlement Distribution to Fisher and Property Classes, ECF No. 984
5 (“Status Report Order”). On August 2, 2024, the Court entered the Order Regarding
6 Distribution of Remaining Funds to Fisher and Property Classes and resolved all claimant
7 objections to the Notices of Rejected Claims and objections to claim award amounts, ECF
8 No. 991 (“August Order”). It also accepted the submission of “New Late Claims” from
9 those who had requested permission to submit them on or before August 1, 2024 and who
10 could be validated by the Settlement Administrator within 30 days of the date of the
11 August Order (September 3, 2024). Finally, it authorized payment of a Supplemental
12 Distribution to the Verified Claimants in each Class, from the funds remaining available
13 for distribution after payment of late claims. *See* August Order.
14

15 **NEW LATE CLAIMS**

16 4. Per the August Order, JND continued to review and evaluate New Late Claims
17 filed through September 3, 2024 by Class Members who requested Claim Forms prior to
18 August 2, 2024. In addition, per Class Counsel’s request, JND provided Claim Forms to
19 additional putative Class Members who contacted JND after August 2, 2024.

20 5. As of September 3, 2024, JND had received 15 unique Property New Late
21 Claims from Claimants who contacted JND prior to August 2, 2024. Seven of these
22 claims, with a total value of \$509,019.71, were validated and have been processed for
23 payment. Of the eight remaining unique Property New Late Claims from Claimants who
24 contacted JND prior to August 2, 2024, seven were still deficient as of the September 3,
25

1 2024 deadline for completion and one was submitted for a parcel that is not part of the
2 Property Class. One of the deficient claims cured its deficiency after the September 3,
3 2024 deadline. Eight duplicative claims were submitted by Claimants who had contacted
4 JND prior to August 2, 2024, and two Property Claimants identified in the August Status
5 Report did not submit New Late Claims despite invitations by JND to do so. Following
6 payment of the seven validated Property New Late Claims and the deduction of
7 administrative costs previously approved by the Court, approximately \$1.7 million will
8 remain in the Property Net Settlement Fund.

9 6. As of September 3, 2024, JND had received 10 unique Fisher New Late
10 Claims from Claimants who contacted JND prior to August 2, 2024. Seven of these
11 claims, with a total value of \$28,347.85, were validated and have been processed for
12 payment. Of the three remaining unique Fisher New Late Claims from Claimants who
13 contacted JND prior to August 2, 2024, two were still deficient as of the September 3,
14 2024 deadline for completion and are not anticipated to cure their deficiencies and one
15 was submitted by an individual who is not part of the Fisher Class. Following payment
16 of the seven validated Fisher New Late Claims and the deduction of administrative costs
17 previously approved by the Court, approximately \$4.9 million will remain in the Fisher
18 Net Settlement Fund.

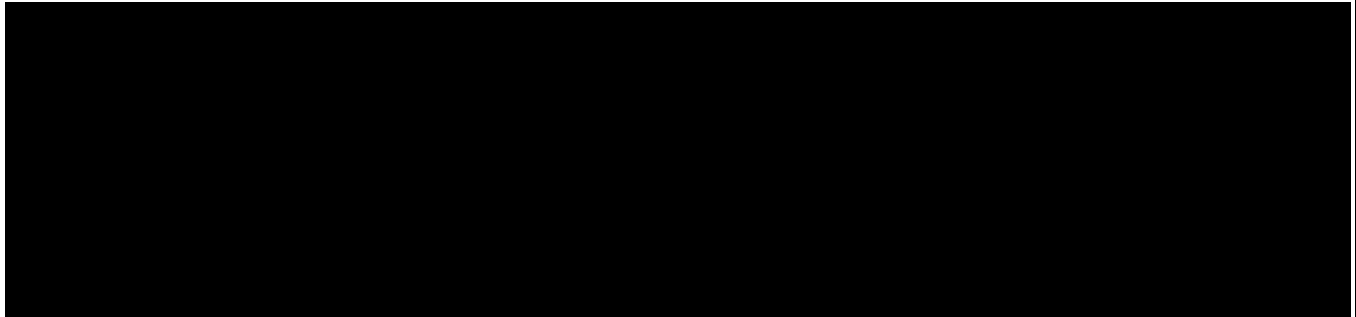
19 7. Since the entry of the Court's August order, JND and Class Counsel have been
20 contacted by at least 23 purported Property Claimants. The estimated value of these
21 potential Property claims, if validated, plus the remaining deficient Property claims and
22 anticipated Property claims that have not yet been submitted, totals \$1,544,528.24. Since
23 the entry of the Court's August Order, JND and Class Counsel have been contacted by at
24

1 least 28 individuals who claim to be—or purport to represent—as many as 50 potential
2 Fisher Class Members.

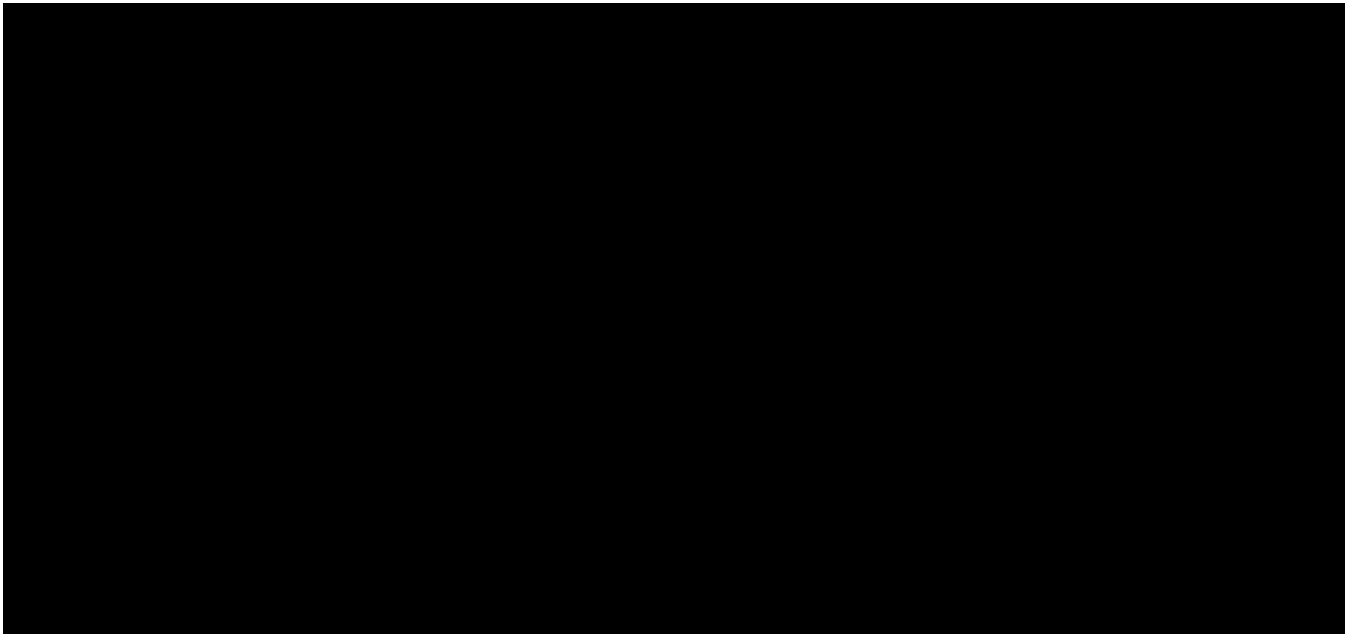
3 8. Given the substantial balance available in the Fisher Net Settlement Fund after
4 payment of the previous round of Late Claims, and in recognition that Claimants without
5 demonstrable landings would have received Fixed Share Awards based on their own
6 attestation if their Claims had been filed before the deadline, Class Counsel instructed
7 JND to offer Claim Forms to individuals without CDFW landings and to request that
8 those individuals submit their Claim Forms with additional indicia of validity, such as
9 CDFW licenses or receipts for the period 2010-2015 (valid as of May 19, 2015), and for
10 each year during the period 2015-2020 that the Fisher intends to claim damages. These
11 Claim Forms and instructions were provided to claimants with the proviso that JND could
12 not guarantee that they would receive a payment as their claim would not be payable
13 without an additional Court order authorizing such payments.
14

15 **SAN PEDRO GROUP LETTER**

16 9. On October 10, 2024, two individuals, [REDACTED]
17 submitted a letter to the Court on behalf of [REDACTED] and 27
18 others (the “San Pedro Group”), challenging the Notice and Settlement distribution
19 procedures, ECF No. 993.
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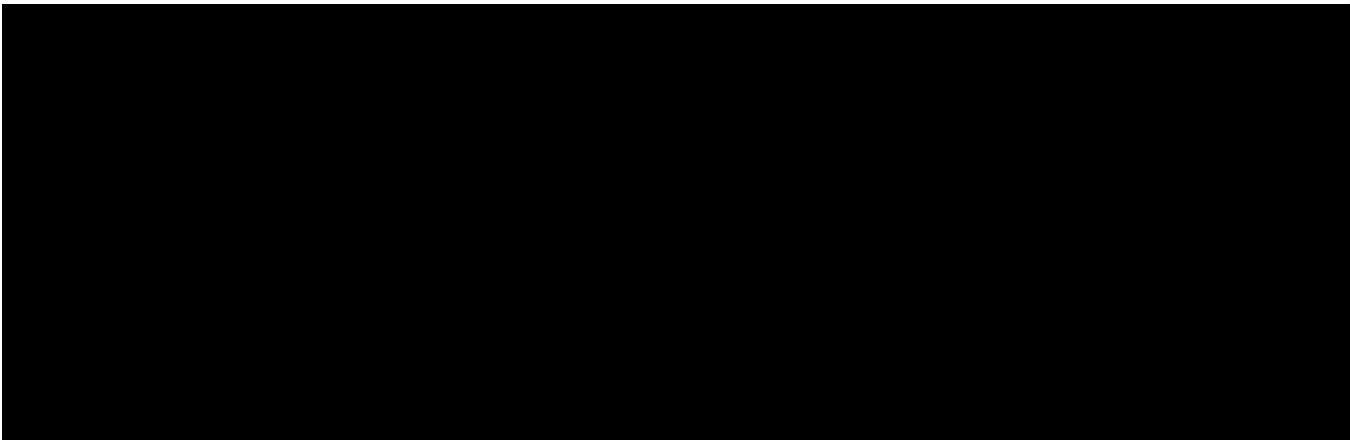
13. JND sent an email to [REDACTED] on August 29, 2024 to explain the reasons his claim was rejected (the “August 2024 Letter”). A true and correct copy of the August 2024 Letter is attached as **Exhibit A**.

14. The San Pedro Group letter suggests that the decision to reject claims from [REDACTED] and others was arbitrary, and that others were permitted to submit late claims. In reality, as JND explained in the August 2024 Letter, the extended deadlines allowed those who had received or requested Claim Forms before the October 31, 2022 deadline to complete them. No “new” claims were initiated or accepted from claimants that had not been previously identified.

15. Additionally, Notice was mailed to at least eight of the San Pedro Group members. Five of these Class Members failed to submit the Claim Form they received by the October 31, 2022 deadline. All three claims from the two San Pedro Group Class Members who submitted timely Claim Forms were paid. The names and CDFW license information for many—if not all—of the remaining, purported Fishers who contacted

1 JND since August 1, 2024 do not appear in the CDFW data associated with qualified
2 landings. Consequently, these purported Fishers without qualified landings would not
3 have appeared in the Class data, upon which Notice was disseminated.

4 16. The complainants also acknowledge that they cannot provide any CDFW
5 landing data to demonstrate Class Membership as the CDFW landing records only
6 identify one fishing license per landing. They allege that, as crew members who worked
7 on vessels with qualified CDFW landings, they have met the Fisher Class definition and
8 are, therefore, entitled to compensation.



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16 18. The San Pedro Group also objects that they were not given more assistance
17 in submitting claims. JND and Class Counsel² have spent many hours in
18 communication by telephone and email with [REDACTED] and
19 others. JND has exchanged 34 emails and 30 phone calls with these individuals and
20

21
22
23 ² In their October 10, 2024 letter, the San Pedro Group alleges that they have
24 communicated with an individual named, “Julie.” Given that an individual of this name
25 has not been assigned to the *Andrews, et al. v. Plains All American Pipeline, L.P., et al.*
26 case, it is assumed that the complainants are referring to Juli E. Farris, one of the
27 attorneys at Keller Rohrback L.L.P. that comprises Class Counsel.

1 their family members. [REDACTED]

2 [REDACTED]
3 19. The San Pedro Group also believes that they are entitled to a share of claims
4 belonging to another party. JND has never said that any member of the San Pedro
5 Group is entitled to compensation from any other Settlement payment recipient, and
6 JND would be unable to resolve any such dispute should it arise. The complainants are
7 incorrect when they state they have not been advised regarding the status of claims by
8 vessel owners with whom they work. The August 2024 Letter explains that [REDACTED]

9 [REDACTED] As the August 2024 Letter
10 also explains, the Claim Form required each claimant to attest under penalty of perjury
11 that they were entitled to the funds, and the check stub accompanying the Settlement
12 payment states, “Consistent with the terms of the Settlement and Distribution Plan, by
13 endorsing and/or depositing this check, you acknowledge that, if any other party is
14 entitled to a portion of this Settlement payment, you agree to pay any such portion to
15 such other party.” A true and correct copy of the check stub is attached as **Exhibit B**.
16 The August 2024 Letter also explains that, as a matter of policy and privacy, JND does
17 not provide information regarding claims to individuals other than the Claimant without
18 the Claimant’s permission.

19 20. The San Pedro Group also refers to Designated Recipients. While the Plan of
20 Distribution for the Fisher Class permitted a Claimant to make such a designation, the
21 Claimant was required to notify the recipient and the proposed recipient was required to
22 file a separate Claim Form before the October 31, 2022 deadline. If the Designated
23 Recipient claim was not filed, the funds were issued to the original Claimant.
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LETTER

21. [REDACTED] notified Class Counsel that [REDACTED]

[REDACTED]

ADMINISTRATIVE FEES AND COSTS

22. From August to September 2024, JND has dedicated approximately 401.5 hours (268 Fisher; 133.5 Property) to corresponding with claimants regarding their New Late Claim submissions over the phone and email, analyzing supporting documentation, addressing additional Settlement-related communications generated by the extended New Late Claims deadline, and tracking submissions.

23. As of September 30, 2024, JND has dedicated a total of approximately 13,889.83 hours (8,694.33 for the Fisher Class; 5,195.50 for the Property Class) towards evaluating and verifying Claim Forms and supporting documentation; addressing any Class Member inquiries regarding the Settlement; deficiency outreach; distribution of Settlement Funds; and ongoing consultation with Counsel regarding the comprehensive claims review process.

24. As of August 30, 2024, \$1,498,529.51 (\$1,027,188.63 for the Fisher Class; \$471,340.88 for the Property Class) has been incurred in administrative fees and costs.

1 25. As of October 1, 2024, JND estimates an additional \$159,084.35 (\$95,504.35
2 for the Fisher Class; \$63,580.00 for the Property Class) in administrative fees and costs
3 to complete administration of the Settlement.

4 26. JND will continue to administer the Settlement through all phases of
5 Settlement Administration, as required by the Settlement Agreement, Final Approval
6 Order, Status Report Order, August Order, and pursuant to any future Orders of this
7 Court.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

10 Executed on October 22, 2024 in Seattle, Washington.

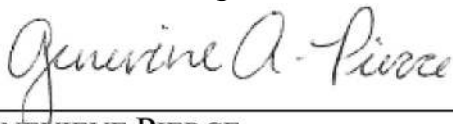
11 
12 _____
13 GENEVIEVE PIERCE

EXHIBIT A

 Outlook

Plains Oil Spill Settlement - Fisher Class Claim DP4569BX3S

From CA - info@plainsoilspillsettlement.com <info@plainsoilspillsettlement.com>

Date Thu 8/29/2024 12:54 PM

To [REDACTED]

Dear [REDACTED]

You have asked for additional information regarding the reason your claim was rejected.

The Court-approved Notice program included Notice by direct mail and email to Fishers whose licenses appeared in landings records supplied by the CDFW ("CDFW Landing Records"). The notice program also included publication and outreach to trade associations. Notice of the litigation was issued multiple times since the class was certified in 2016 and received widespread media coverage. All important records regarding the litigation and settlement were also publicly available on the district court's docket and on the websites maintained throughout the litigation by Class Counsel and later by JND.

In accordance with the Fisher Class definition and the Plan of Distribution for the Fisher Class, claims were based on the CDFW Landing Records. The CDFW Landing Records included the vessel ID and fishing license number associated with each landing of those species that occurred in specific fishing blocks that were identified in the Fisher Class definition. The Plan of Distribution was approved by the Court and is available on the Important Document tab of the website, www.PlainsOilSpillSettlement.com.

The deadline for submission of a claim was October 31, 2022. For claimants who received or requested a claim form before the deadline, but had not completed it, the Court permitted such claims to be accepted if completed by March 29, 2024. No new claim forms were provided to those who did not request or receive one before the original deadline.

[REDACTED]

[REDACTED]

Settlement payments were based on the CDFW Landing Records. [REDACTED]

[REDACTED] Each Settlement payment recipient confirmed, under penalty of perjury, that they were entitled to the funds. The check stub also included the following language: "Consistent

with the terms of the Settlement and Distribution Plan, by endorsing and/or depositing this check, you acknowledge that, if any other party is entitled to a portion of this Settlement payment, you agree to pay any such portion to such other party.” We are not able to provide any information to you regarding claims submitted by another fisher, without their consent.

Regards,

Plains Oil Spill Settlement Administrator
c/o JND Legal Administration
Toll-free: 1-844-202-9486
www.PlainsOilSpillSettlement.com
[ZTJ]

EXHIBIT B

ID #:46330

CitiBank NA

Plains Oil Spill Settlement
Fisher Class Common Fund
c/o JND Legal Administration
P.O. Box 91450
Seattle, WA 98111

[CHECK-NO]

[CHECK-DATE]

PAY TO THE [NAME-1]
ORDER OF [NAME-2]

[CHECK-AMT]

Amount in Words

DOLLARS

Signature Block Here

[NameNumber]

[VOID-STRING1]

[VOID-STRING2]

[CHECK-NO]

[BI-CHECK-TRANSIT-NO]

[BI-ACCT-NO]

[NAME-1]:

[NAME-2]

Attached is your Fisher Class Settlement payment from the *Andrews et al. v. Plains All American Pipeline, L.P., et al.* Settlement (Case No. 2:15-CV-04113-PSG-JEM (C.D. Cal.)) per the Court-approved Settlement Agreement.

Additional details regarding the Settlement are available on the Settlement website at www.PlainsOilSpillSettlement.com. If you have any questions about this check or need to have it reissued, please contact us by email at info@PlainsOilSpillSettlement.com. All check reissue requests must be received in writing.

Enclosed is an IRS Form 1099-MISC for this Settlement payment. We cannot provide tax advice. You may want to consult your financial or tax advisor with regards to the tax treatment of this Settlement payment if you have tax-related questions.

Consistent with the terms of the Settlement and Distribution Plan, by endorsing and/or depositing this check, you acknowledge that, if any other party is entitled to a portion of this Settlement payment, you agree to pay any such portion to such other party.

This check must be deposited promptly. It is void if not deposited by [VOID DATE] (180 days after the check issue date).

Regards,

PLAINS OIL SPILL SETTLEMENT ADMINISTRATOR
info@PlainsOilSpillSettlement.com

PLAINS OIL SPILL SETTLEMENT FISHER CLASS
COMMON FUND
C/O JND LEGAL ADMINISTRATION
P.O. BOX 91450
SEATTLE, WA 98111

[Mailing Barcode]

[Name 1]

[Name 2]

[Address Line 1]

[Address Line 2]

[City], [State] [Zip]

Check Date: [CHECK-DATE]

Check Amount: [CHECK-AMT]

Claim ID: [NAME-NO]

Check Number: [CHECK-NO]

SIGNATURE REQUIRED BEFORE DEPOSIT
Consistent with the Settlement terms, by endorsing and/or depositing this check, you acknowledge
that if any other party is entitled to a portion of this Settlement payment, you agree to pay any such
portion to such other party.

EXHIBIT C

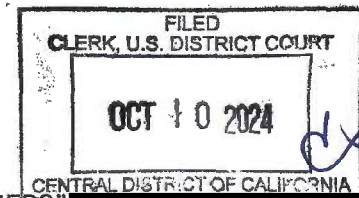
Redacted

Case 2:15-cv-04113-PSG-JEM Document 993 Filed 10/10/24 Page 1 of 35 Page ID RE: Plains Oil Spill Settlement #46253

Keith Andrews, as an individual, et al. Plaintiffs v. Claims All American Pipeline, L.P., A Delaware Limited Partnership, et.al.,

Case No. 2:15-CV-04113-PSG-JEMx

The Honorable Philip S. Gutierrez,



We are sending this letter on behalf of commercial fisherman "FISHERS" [REDACTED]

We believe there are still unclaimed settlement monies that have not been distributed to the settlement class and THAT AS FISHER CLASS MEMBERS WE ARE ENTITLED TO OUR FAIR SHARE AND NOT JUST A REWARD AND/OR NOTHING.

We are perplexed that the attorneys who are supposed to be representing the class which we feel we are a part of refuse to give us any information or answer any questions, even the most general.

Based on the criteria from the Plains Oil Spill Settlement Website, we should have been recognized as a member of the fisher class. Please refer to the attached list of Fishers. (ITEM #1)

This is From Plains Oil Spill website frequently asked questions

- 4. How do I know if I am a Fisher Class Member.
- The Court has decided that everyone who fits either of the following descriptions is a member of the Fisher Class:

Commercial Fishers: All persons and businesses who owned or worked on a vessel that was in operation as of May 19, 2015 and that: (1) landed any commercial seafood in California Department of Fish & Wildlife ("CDFW") fishing blocks 654, 655, or 656; or (2) landed any commercial seafood, except groundfish or highly migratory species (as defined by the CDFW and the Pacific Fishery Management Council), in CDFW fishing blocks 651-656, 664-670, 678-686, 701-707, 718-726, 739-746, 760-765, or 806-809; from May 19, 2010 to May 19, 2015, inclusive; and

- Fish Processors: All persons and businesses in operation as of May 19, 2015, who purchased such commercial seafood directly from the Commercial Fishers and re-sold it at the retail or wholesale level.

Criteria #1 – all persons who worked on a vessel that was in operation as of 5/19/2015.

[REDACTED]

Criteria #2 – ALL FISH WAS LANDED WITHIN THE IDENTIFIED FISHING BLOCKS PER ABOVE

[REDACTED]

FROM PLAINS OIL SPILL SETTLEMENT CLAIM FORM #16254

The Court has decided that everyone who fits either of the following descriptions is a member of the Fisher Class:

- **Commercial Fishers:** All persons and businesses who owned or worked on a vessel that was in operation as of May 19, 2015 and that:

(1) landed any commercial seafood in California Department of Fish & Wildlife ("CDFW") fishing blocks 654, 655, or 656; or

(2) landed any commercial seafood, except groundfish or highly migratory species (as defined by the CDFW and the Pacific Fishery Management Council), in CDFW fishing blocks 651-656, 664-670, 678-686, 701-707, 718-726, 739-746, 760-765, or 806-809; from May 19, 2010 to May 19, 2015, inclusive; and;

- **Fish Processors:** All persons and businesses in operation as of May 19, 2015, who purchased such commercial seafood directly from the Commercial Fishers and re-sold it at the retail or wholesale level.

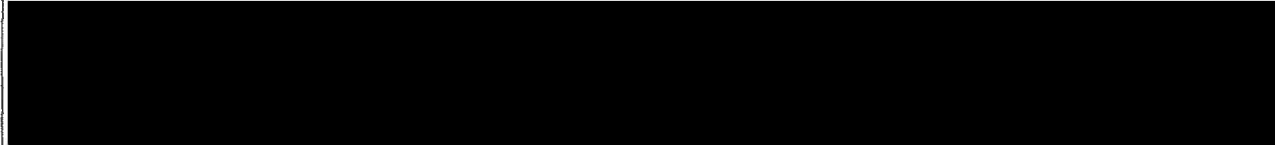
You can find out if you are a Fisher Class Member by going to www.PlainsOilSpillSettlement.com.

You must submit a separate Fisher Class Claim Form for each CDFW vessel ID, fishing license, or (processor) fishing business license for which you are seeking a Settlement payment.

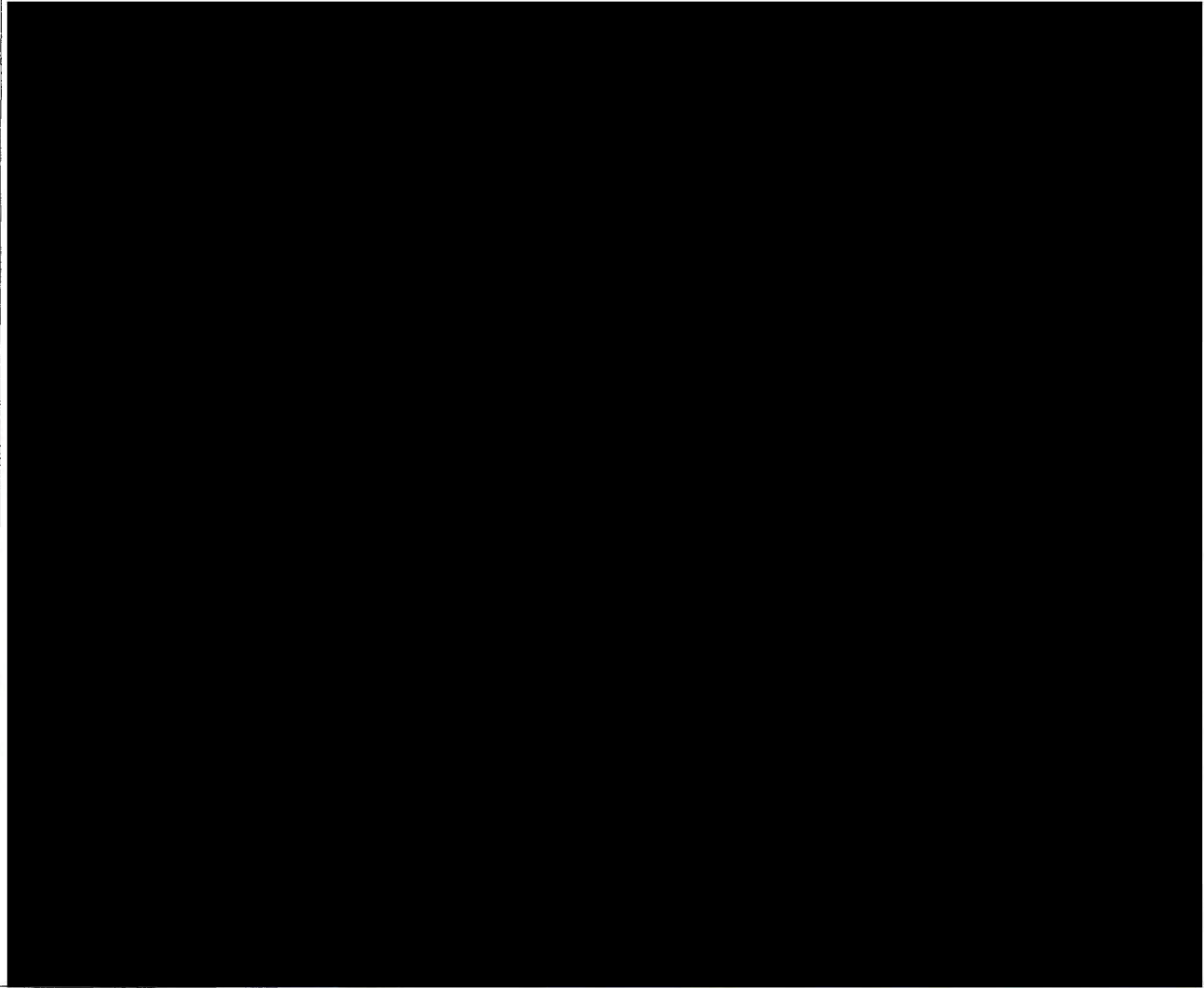
The Settlement Administrator will use CDFW Landing Records to determine your eligibility for a settlement payment and the amount of the payment. You are not required to submit individual landing records, proof of income, or financial records to obtain a payment unless it is necessary to verify identity, membership in the Class, to resolve disputes, or as otherwise requested by the Settlement Administrator



If you are not identified in CDFW Landing Records, you may still submit a Claim and provide documentation to the Settlement Administrator for evaluation, as set out below.



If you are eligible for a settlement payment, you are allowed to direct the Settlement Administrator to designate a portion of your payment to another person or entity. That recipient must also submit a Claim Form to receive funds directly from the Settlement Administrator. If the recipient does not claim the funds, the amount you designated for them will be distributed to you.





Designated Recipients: If you are a Designated Recipient of a portion of a Fisher Claimant's Award, please complete Section 1 of this Claim Form.

For more information and complete instructions, please review the **Plan of Distribution for the Fisher Class**, available at www.PlainsOilSpillSettlement.com.

Claims must be submitted online or postmarked by mail no later than October 31, 2022. Use the address at the top of this form for mailed claims.

Please note that the Settlement Administrator may contact you to request additional documents to process your claim.



ADDITIONALLY, THERE ARE FISHER CLASS MEMBERS WHO HAVE ENCOUNTERED AND EXPERIENCED THE FOLLOWING:



***CONSTRUCTIVE NOTICE WAS NOT GIVEN**

***OF THE 14 NEWSPAPERS IT WAS ONLY ADVERTISED IN ONE LA AREA NEWSPAPER – THE LA NEWS. WE HAVE NEVER HEARD OF THIS NEWSPAPER. WHY WASN'T IT IN THE LA TIMES??**

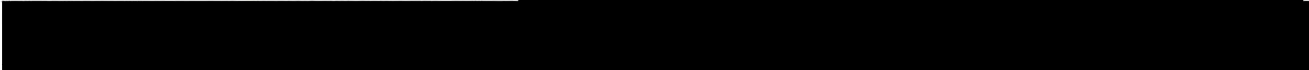
***WHY WASN'T IT POSTED ON SOCIAL MEDIA PLATFORMS??**

***WHY WOULD AN ASSUMPTION BE MADE THAT ADVERTISING IN ASIAN AND HISPANIC NEWSPAPERS WOULD BE SUFFICIENT LEGAL NOTICE WHEN THE MAJORITY OF THE SAN PEDRO FISHER CLASS MEMBERS ARE ITALIAN AND/OR CROATION??**

When we inquired as to how the class was determined we were told they received their information from the California Department of Fish and Wildlife. Landing records and fishing license numbers.

ONLY ONE MEMBER (USUALLY THE CAPTAIN) SIGNS THE LANDING RECORD AND ONCE A MONTH THE OWNER DOES PAYROLL BASED ON WHAT FISHERS/CREW MEMEBERS WERE ON THE VESSEL WHEN THE FISH WAS LANDED.

WITH REGARDS TO LANDING RECORDS, IT IS NOT ALWAYS THE CAPTAIN (OR SAME PERSON) WHO SIGNS OFF ON THE LANDING RECORD.



Did "JND" know what information to ask CDFW for fisher, I.E. PURSE SEINERS & HOW THE LANDING RECORDS WORKED?? THERE IS ONLY ONE SIGNATURE ON THE LANDING RECORDS, USUALLY THE

Case 2:15-cv-04113-PSG-JEM Document 993 Filed 10/10/24 Page 5 of 35 Page ID #:46297
CAPTAIN BUT NOT ALWAYS. OVER A 10 YEAR PERIOD CREW MEMBERS SIGNED THOSE LANDING RECORDS, SO IF WE ARE GOING BY LANDING RECORDS WHY WEREN'T THOSE CREW MEMBERS INCLUDED/NOTIFIED??

ON 9/17/24, AFTER NUMEROUS CALLS JULIE @ JND REQUESTED

On 9/24/24, MR. LARRY CONLAN OF CAPELLO & NOEL TOLD

BY THE FACTS CONTAINED IN THIS LETTER, YOU CAN SEE THAT IT IS A VERY CONFUSING SITUATION.

In Document 955 – THE FOLLOWING PERSONS ARE IDENTIFIED AS FISHER CLASS
WERE ANY OF THESE PLAINTIFFS' COMMERCIAL FISHERS ON PURSE SEINERS WITH MORE THAN 1 OR 2 CREW MEMBERS. Purse seiners have 6 to 10 crew members. Did JND contact any commercial purse seiner fisherman to find out how those boats were run? The fisher class plaintiffs appear to all be small boats with no crew.

- ***Tiffani & Keith Andrews** – full time commercial fisherman – 1993 – 2008 fished Santa Barbara coast with wife
Fished for sea cucumber, ridge back shrimp and halibut depending on availability and season
- ***Mike Gandall** – resident of Goleta, ca. comm fisherman 30 years.
First boat 1983 – at time of spill – spiny lobster, typically set my traps in the coastal waters between Gaviota, Santa Barbara and Carpinteria. Fishes for rock crab (2017 sold lobster permit due to oil spill)
- ***Morgan Castagnola** – commercial fisherman in the sb harbor (crew member on family fishing boat)
2015 – owned halibut along the Gaviota coast
- ***David Tibbles** – crew member on commercial fishing boat – 45 years – fished for squid off coast of California primarily pt conception

WE BELIEVE THE WEBSITE WAS NOT UPDATED UNTIL SOMETIME IN 2024.
THERE WAS AN EXTENSION IN MARCH 2024
THEN AN EMAIL EXTENSION TO
ANOTHER EXTENSION TO 9/30/24


FROM PLAINS OIL SPILL SETTLEMENT WEBSITE FAQs

13. I am a Class member, and I participated in securing landings for Qualified Catch, but my license is not identified in the CDFW Landings Records. What documentation should I submit with my Claim?

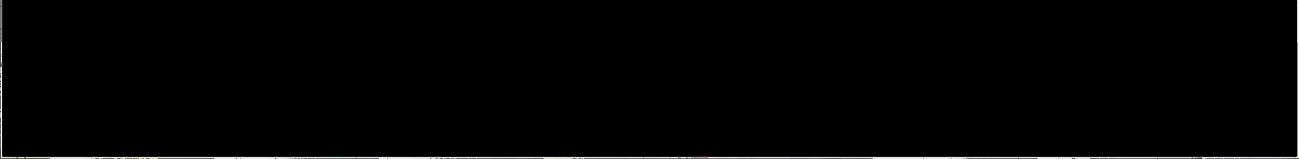
If you worked on or owned a vessel (such as a light boat that worked with commercial squid fishers) as a commercial fisher, you were able to submit a Claim, even if your license was not identified in the CDFW Landings Records. You needed to submit additional documentation to support your Claim in order to demonstrate that you participated in landing Qualifying Catch as defined in the [Plan of Distribution for the Fisher Class](#). The deadline to file a Claim Form passed on October 31, 2022.

14. If I worked on or owned a vessel (such as a light boat) that has Qualifying Catch, but my license is not identified in the landings receipt for that catch, how will my Claim be paid?

Verified Claimants are eligible to receive a Fixed Share of the Vessel Share Pool even if they do not qualify for a Variable Share. For more information about how a Fixed Share will be calculated, please review the [Plan of Distribution for the Fisher Class](#).

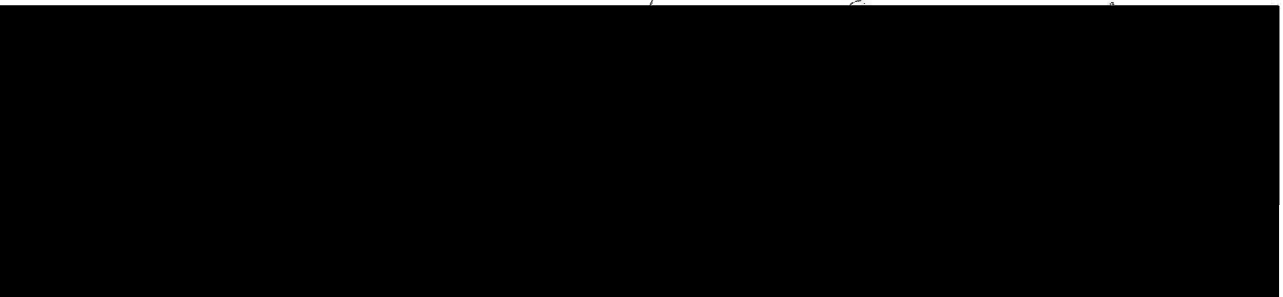
Verified Claimants who can demonstrate that they were paid based on catch volumes or revenue and can identify vessels and dates of landings in which they participated may be entitled to a Variable Share based on the percentage of the catch revenue to which they were entitled under their employment agreement or contract. The Settlement Administrator will review the Claims and supporting documentation submitted to verify and assess each Claim.

The precise amount available for each Claim will depend upon a variety of factors, including the number of Verified Claimants and the precise amount of funds available. The more Verified Claims submitted, the smaller the likely recovery for each Claim will be.



We are perplexed that the attorneys who are supposed to be representing the class, which we feel we are a part of, refuse to give us any information or answer any questions, even the most general questions.

We respectfully request any guidance you can offer us maneuvering through this confusing, complicated process. Your prompt response is greatly appreciated.



ATTACHMENTS:

ITEM 1 LIST OF FISHERMEN

ITEM 2 -FISHING LICENSES FOR [REDACTED]

CDFW REQUEST FOR LICENSES FOR [REDACTED]

ITEM 3 - [REDACTED]

ITEM 4 - OUTHERN CALIFORNIA FISHERIES CHART (MAP)

DUAL SHORT FORM NOTICE

FISHER SHORT FORM NOTICE

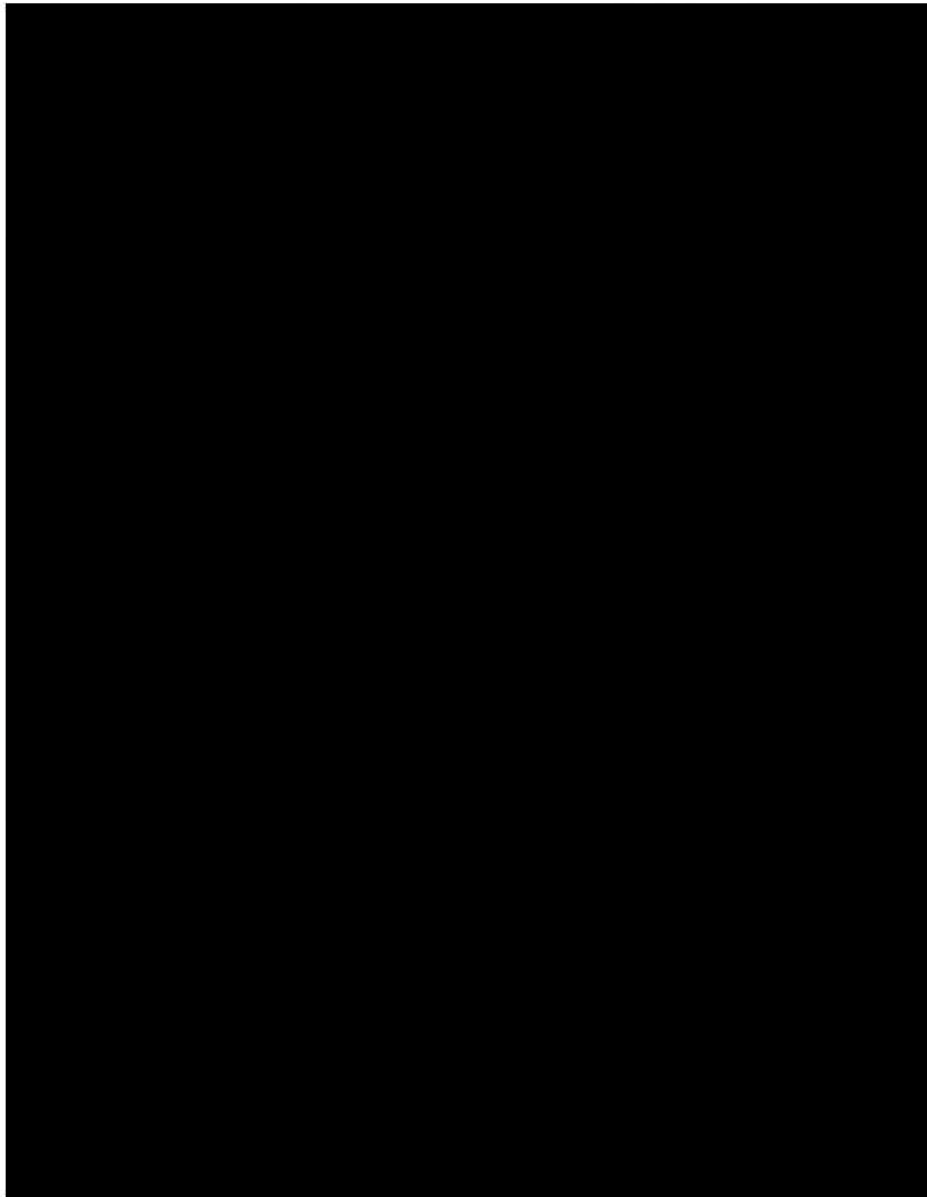
DOCUMENTATION OF PHONE CALLS MADE TO ALL ATTORNEYS

7:23



Photo 

Done

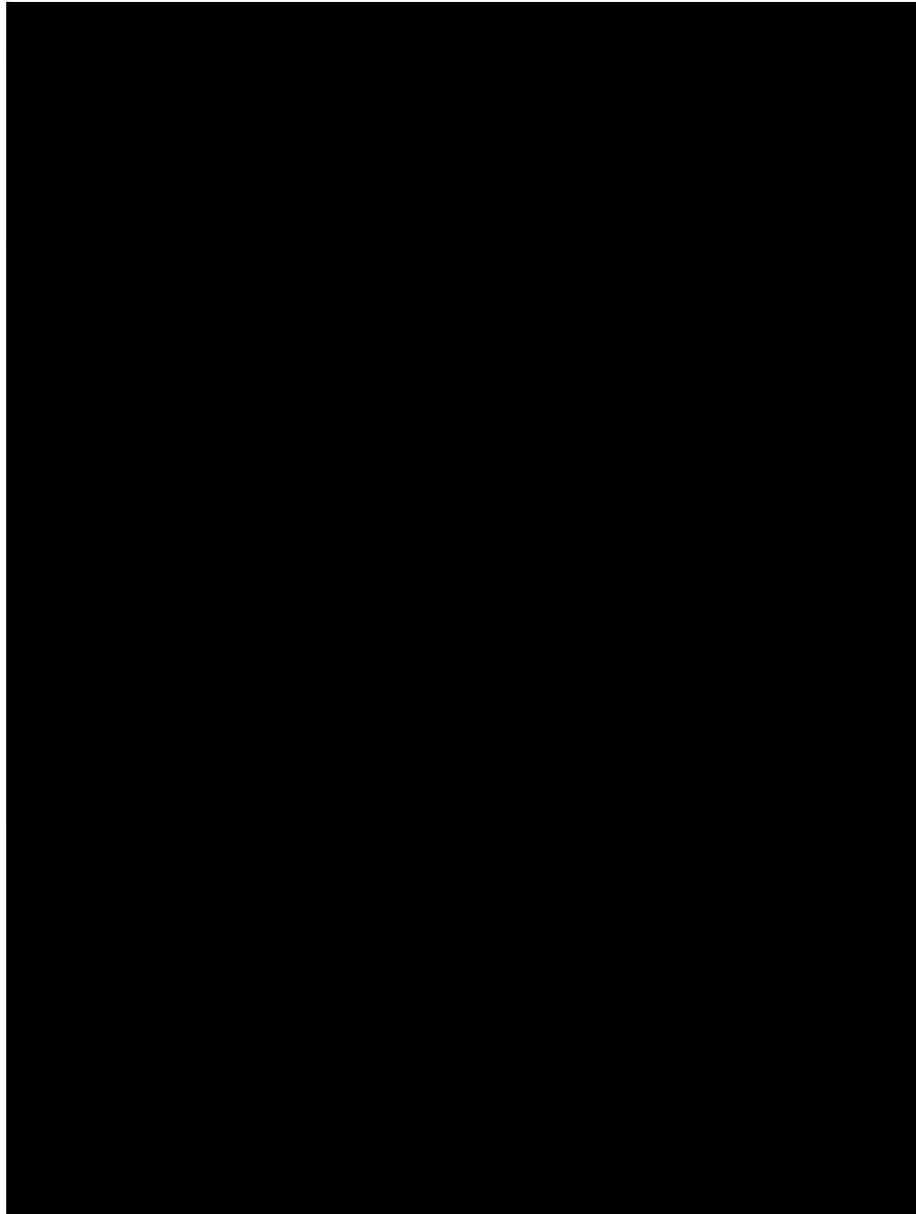


7:23



Photo ▾

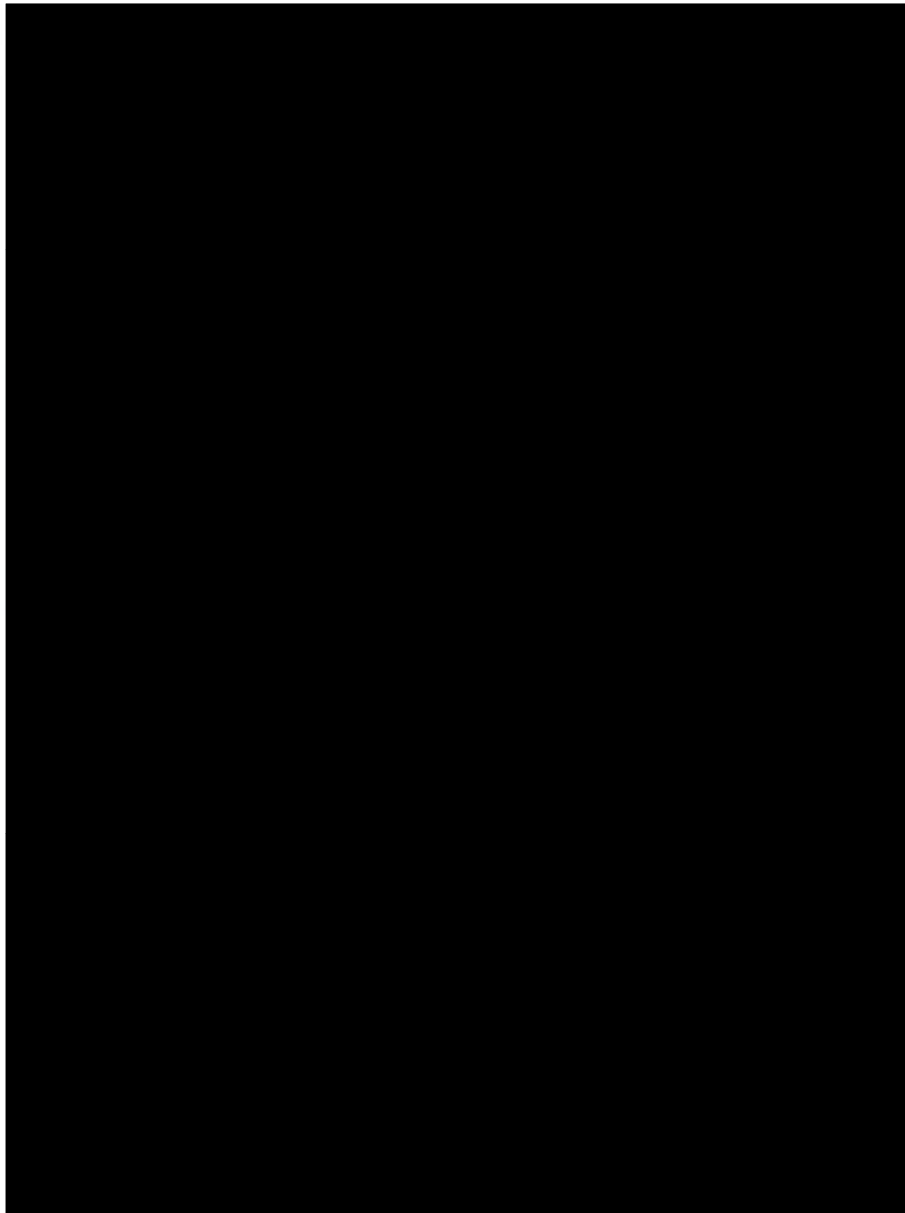
Done

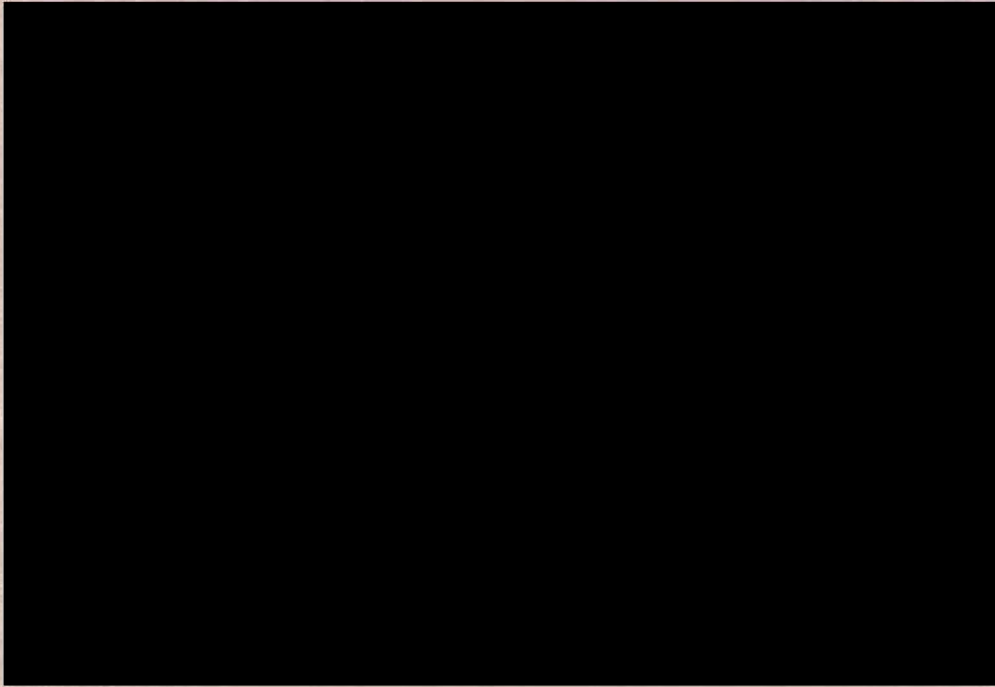




Photo 

Done







State of California – Department of Fish and Wildlife

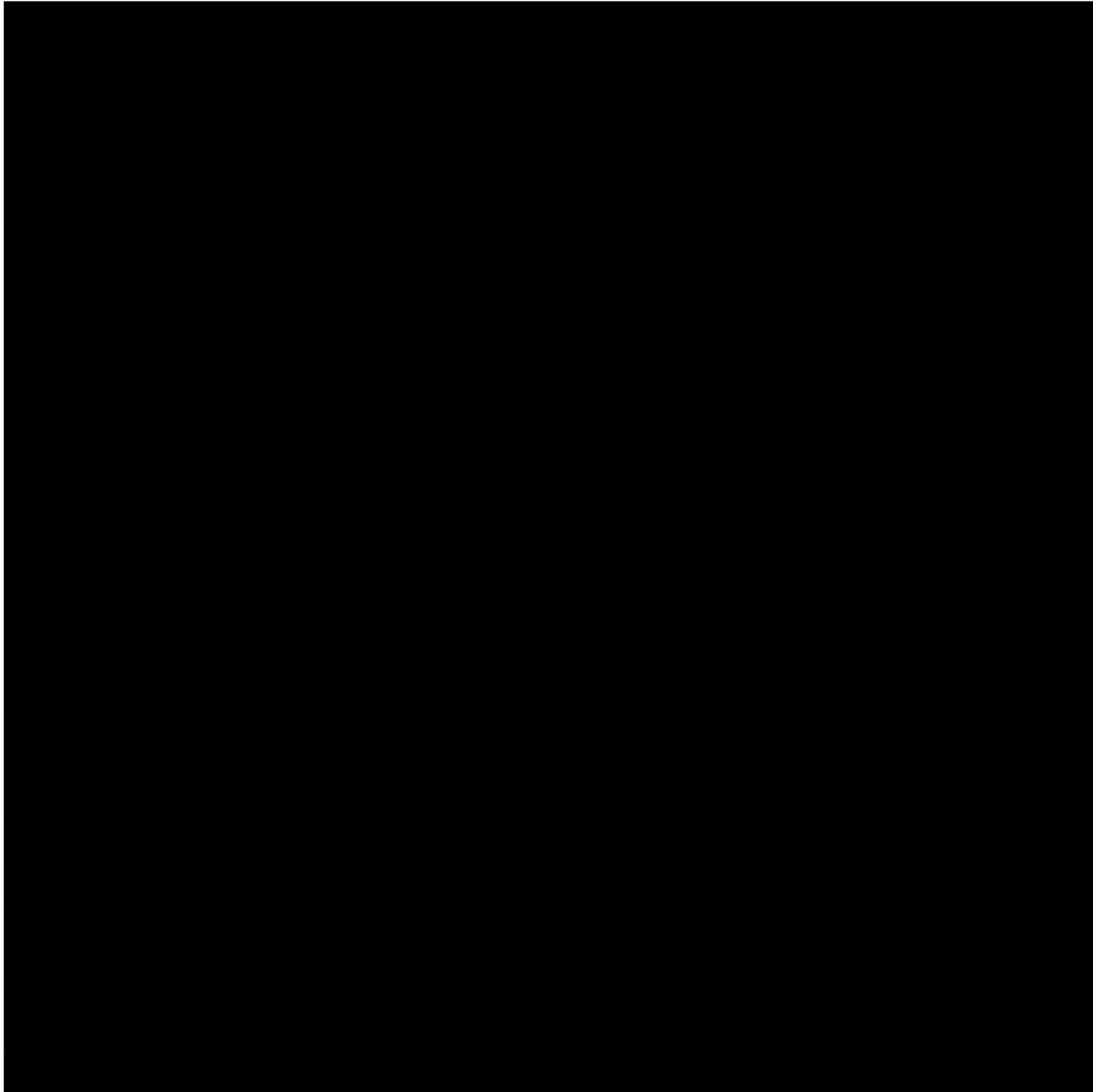
REQUEST FOR VERIFICATION OF COMMERCIAL FISHING LICENSING RECORDS

DFW 1452 (REV. 01/23/24)

TYPE OR PRINT CLEARLY.

REASON FOR REQUEST

NEED DOCUMENTATION FOR A CLASS ACTION LAWSUIT



RETURN FORM TO: California Department of Fish and Wildlife
License and Revenue Branch
PO Box 944209, Sacramento, CA 94244-2090
Phone: (916) 928-5822 Fax: (916) 419-7585
LRBCOMM@wildlife.ca.gov

FOR FISH LANDING AND CPFV LOG RECORDS, CONTACT:
California Department of Fish and Wildlife
Attn: **Marine Fisheries Statistical Unit (MFSU)**
3030 Old Ranch Parkway, Ste. 400, Seal Beach, CA 90740
Phone: (562) 342-7130 Email: MFSU@wildlife.ca.gov



State of California – Department of Fish and Wildlife

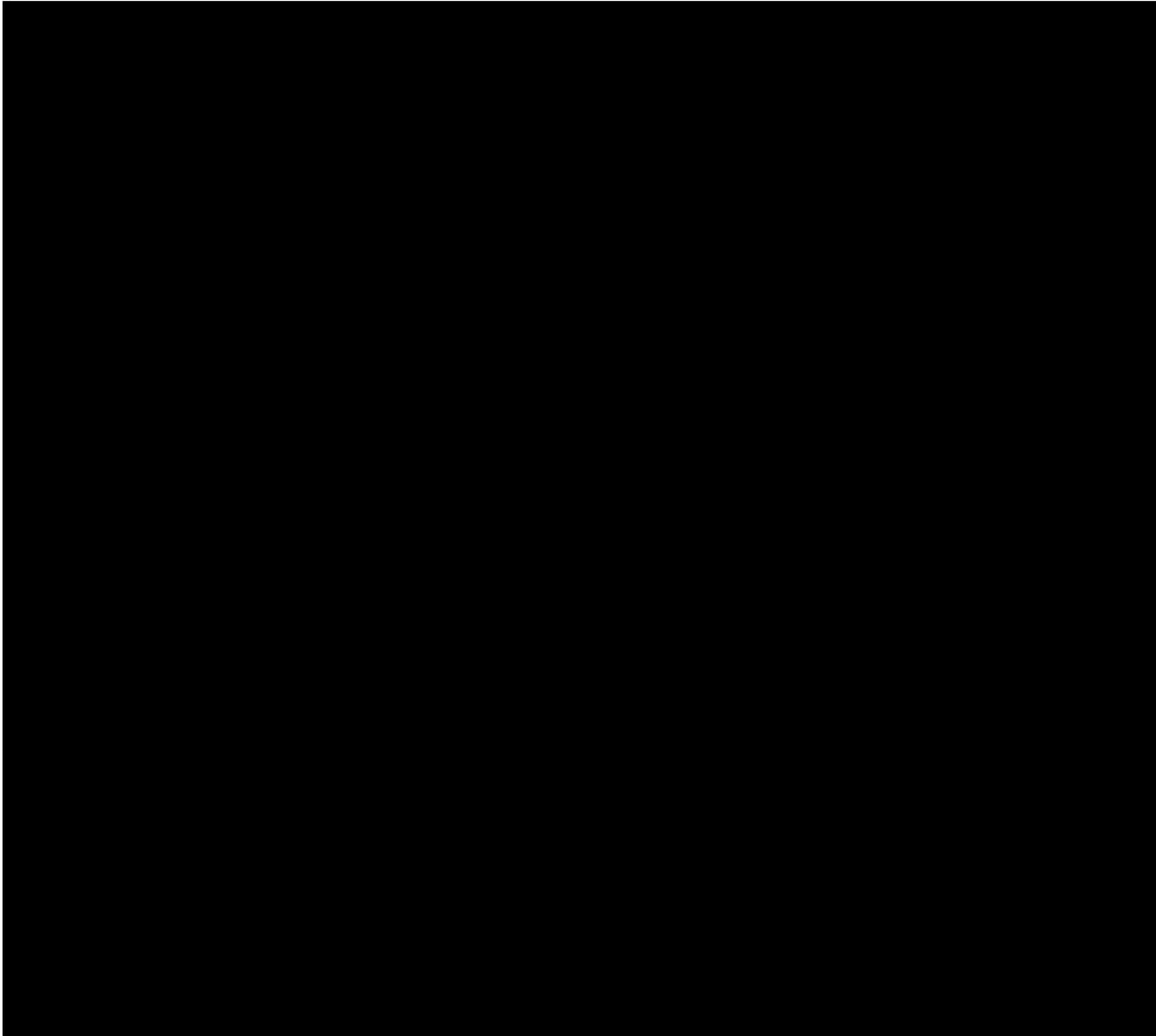
REQUEST FOR VERIFICATION OF COMMERCIAL FISHING LICENSING RECORDS

DFW 1452 (REV. 01/23/24)

TYPE OR PRINT CLEARLY.

REASON FOR REQUEST

NEED DOCUMENTATION FOR CLASS ACTION LAWSUIT



FOR DEPARTMENT OF FISH AND WILDLIFE USE ONLY

CDFW COMMENTS:

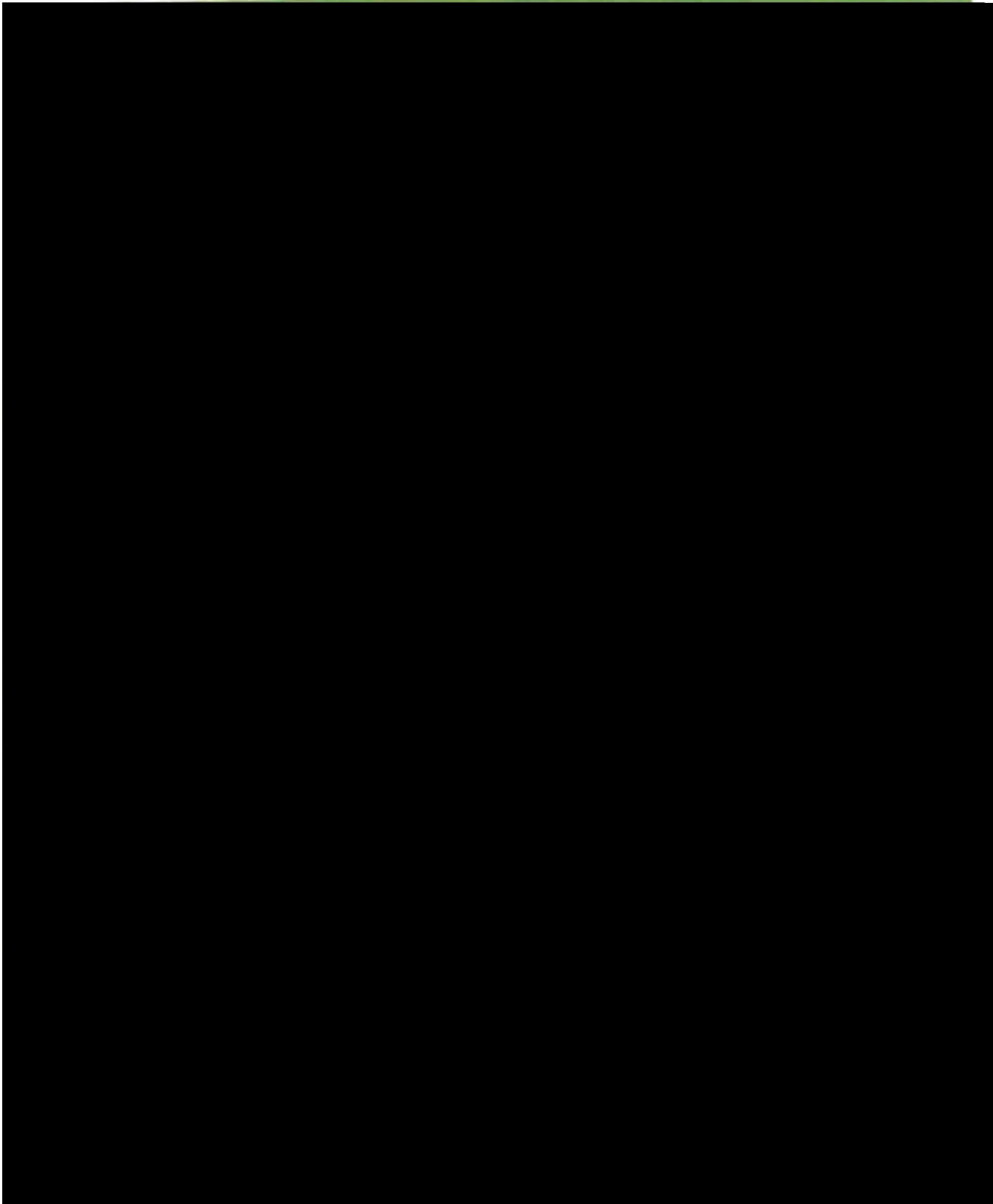
APPROVED BY	DATE RECEIVED	COMPLETED BY	DATE
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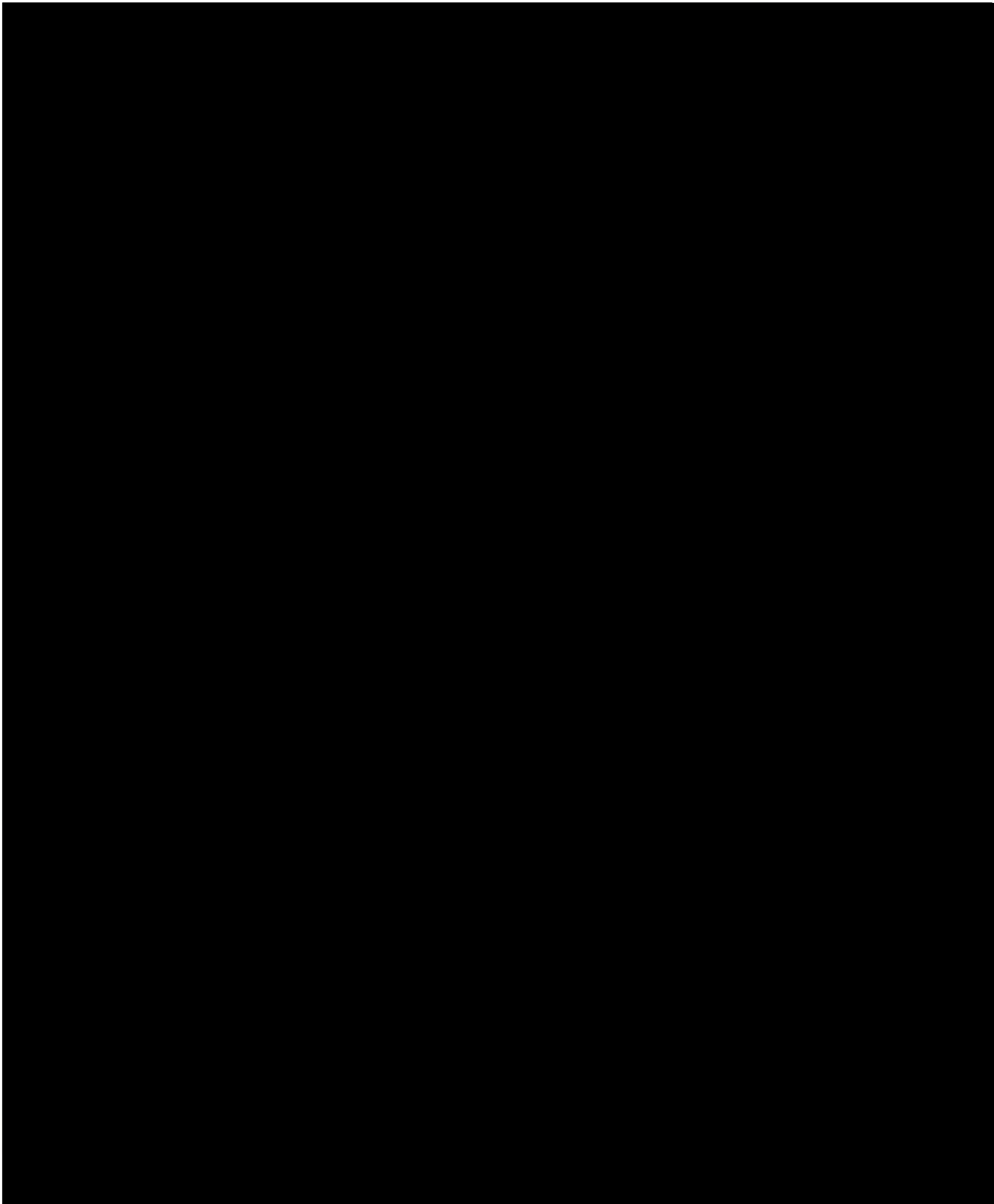
RETURN FORM TO: California Department of Fish and Wildlife
License and Revenue Branch
PO Box 944209, Sacramento, CA 94244-2090
Phone: (916) 928-5822 Fax: (916) 419-7585
LRBCOMM@wildlife.ca.gov

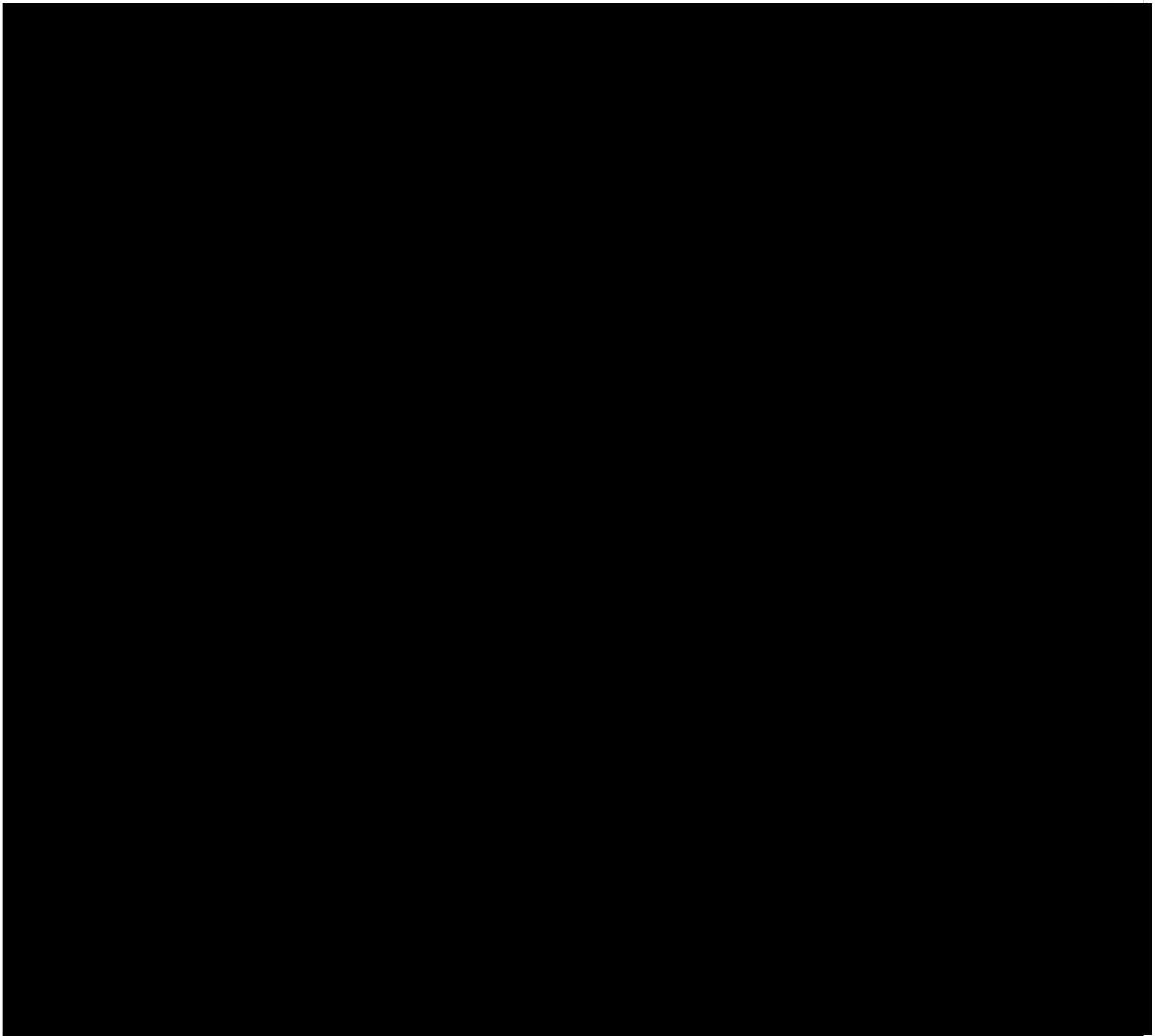
FOR FISH LANDING AND CPFV LOG RECORDS, CONTACT:
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Attn: **Marine Fisheries Statistical Unit (MFSU)**
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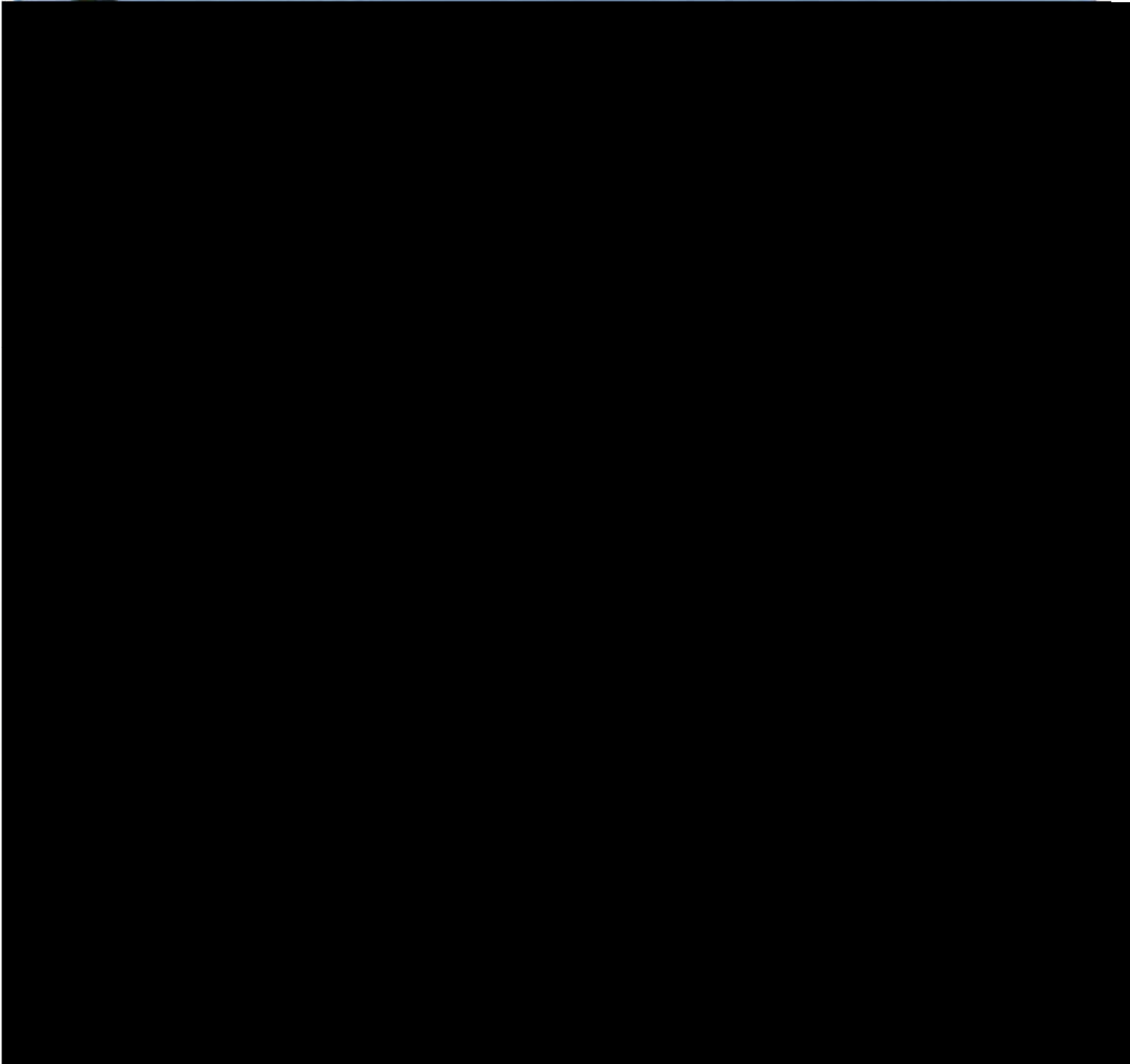


Requested
Copies of
Faded licenses
from CDFW







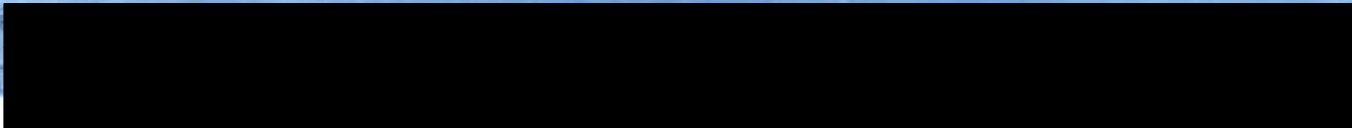


FOR DRIFT GILL NET PERMITS ONLY

F & G BOAT # _____

BOAT NAME _____

(For Sea Urchin Diving, Sea Cucumber (Diving or Trawl), General Gill, Drift Gill and Lobster Operator.)



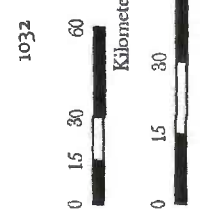
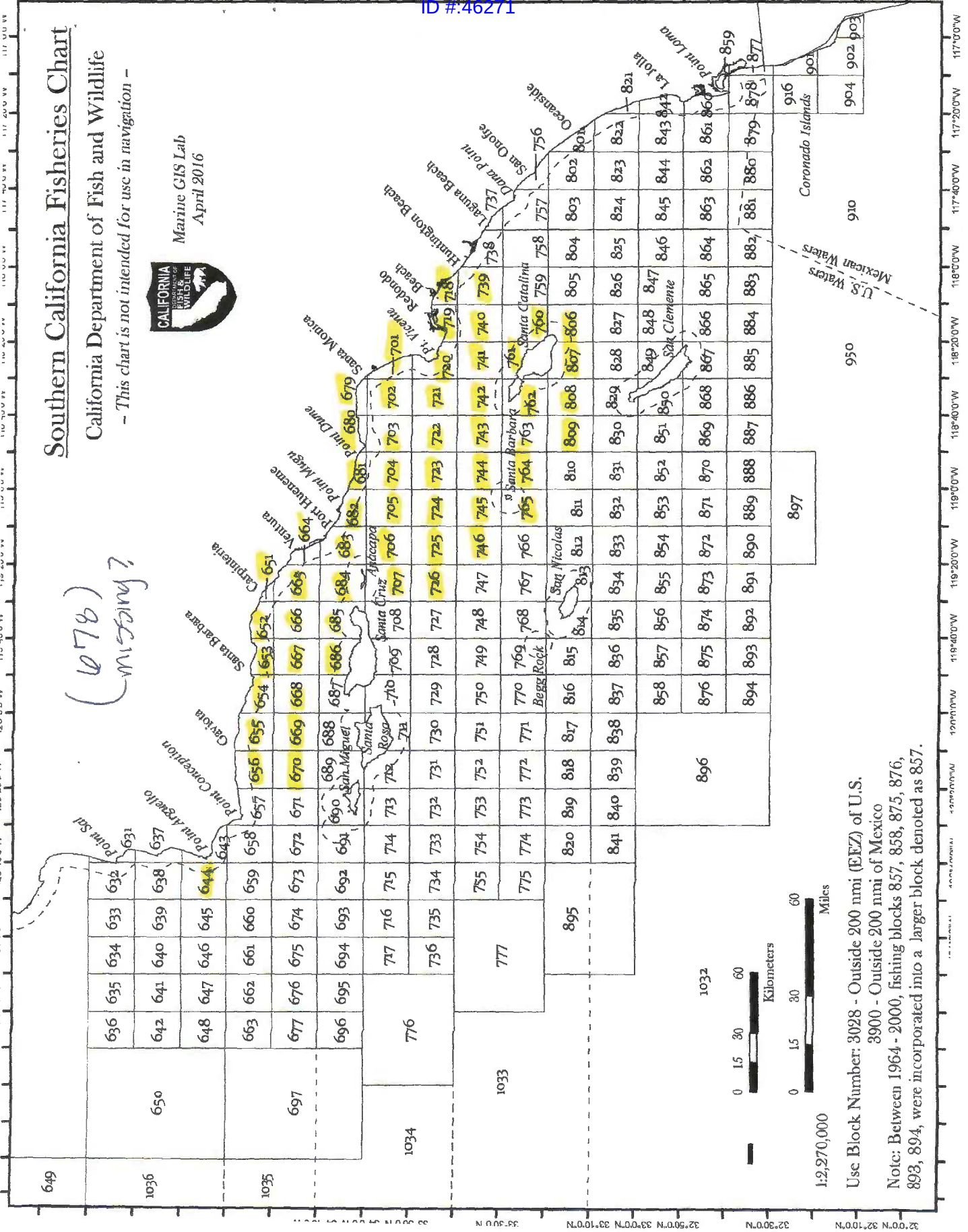
Southern California Fisheries Chart

California Department of Fish and Wildlife
 - This chart is not intended for use in navigation -



Marine GIS Lab
 April 2016

(678)
 (mistake?)



Use Block Number: 3028 - Outside 200 nmi (EEZ) of U.S.
 3900 - Outside 200 nmi of Mexico
 Note: Between 1964 - 2000, fishing blocks 857, 858, 875, 876, 893, 894, were incorporated into a larger block denoted as 857.

Dual Short Form Notice

If you were affected by the 2015 Santa Barbara Oil Spill, you may be entitled to a payment from a class action settlement

A Federal Court authorized this Notice.

*Para una notificación en español, visite: www.PlainsOilSpillSettlement.com
Để nhận thông báo tiếng Việt, vui lòng truy cập: www.PlainsOilSpillSettlement.com
如需中文通知, 请访问: www.PlainsOilSpillSettlement.com*

A Settlement has been reached in the class action lawsuit called *Andrews et al. v. Plains All American Pipeline, L.P. et al.*, No. 2:15-cv-04113 (PSG:JEM) (C.D. Cal.).

What is this about?

The lawsuit claims that Plains All American Pipeline L.P. and Plains Pipeline L.P. (“Plains” or “Defendants”) caused an underground pipeline to rupture, resulting in an oil spill along the coast in Santa Barbara County on May 19, 2015. The Settlement is on behalf of members of the Fisher Class and Property Class previously certified by this Court. Plaintiffs for the Fisher Class allege the spill caused long term harm to commercial fishing in the affected class blocks, including significant financial losses. Plaintiffs for the Property Class allege that owners and lessees were unable to use and enjoy their properties as a result of the spill because oil washed up onto their properties and onto beaches adjacent to their properties. Plains denies any claims of wrongdoing and disputes all claims. The Settlement, if approved by the Court, will resolve all remaining claims in the class action litigation pending in the United States District Court for the Central District of California. The Fisher Class Settlement is \$184 million, and the Property Class Settlement is \$46 million, inclusive of attorneys’ fees and costs.

The Court has not decided whether Plaintiffs or Defendants should win this Litigation. The Settling Parties do not agree on whether Plaintiffs would have prevailed on any of their claims against Plains, or the amount of damages, if any, that would be recoverable if the Class prevailed on the claims alleged. Instead, both sides agreed to the Settlement after years of contested litigation, including at the motion to dismiss, class certification, and summary judgment stages. The Parties had also completed substantial discovery and were preparing for trial to commence on June 2, 2022.

Who is affected?

You are a **Fisher Class Member** if you are a person or business who owned or worked on a vessel that was in operation as of May 19, 2015 and that: (1) landed any commercial seafood in California Department of Fish & Wildlife (“CDFW”) fishing blocks 654, 655, or 656; or (2) landed any commercial seafood, except groundfish or highly migratory species (as defined by the CDFW and the Pacific Fishery Management Council), in CDFW fishing blocks 651-656, 664-670, 678-686, 701-707, 718-726, 739-746, 760-765, or 806-809; from May 19, 2010 to May 19, 2015, inclusive; or if you are a person or business in operation as of May 19, 2015 who purchased such commercial seafood directly from the Commercial Fishers and re-sold it at the retail or wholesale level. You can find out if you are a Fisher Class Member by going to www.PlainsOilSpillSettlement.com.

You are a **Property Class Member** if you owned or leased residential beachfront property or property with a private easement to a beach where oil from the 2015 Santa Barbara oil spill washed up and the oiling was categorized as heavy, moderate, or light. You can find out if your property is included by going to www.PlainsOilSpillSettlement.com, where a list of properties Plaintiffs claim were impacted is posted.

What does the Settlement provide?

The Settlement, if approved, will result in the creation of two cash settlement funds of \$184,000,000 (the “Fisher Class Settlement Amount”) and \$46,000,000 (“the Property Class Settlement Amount”), together with any interest earned thereon, the “Fisher Class Common Fund” and “Property Class Common Fund,” respectively. Each of the common funds less (a) any Taxes and Tax Expenses; (b) any Notice and Administration Expenses; and (c) any attorneys’ fees and costs and any service awards to Class Representatives in connection with their

representation of the Class, awarded by the Court (the “Net Settlement Funds”), will be distributed to eligible Class Members pursuant to a proposed plan of distribution (“Plan of Distribution”). If you are entitled to relief under the Settlement, the Settlement Administrator will determine your portion of the Net Settlement Fund payable to you pursuant to the Court-approved Plan of Distribution.

Who represents the Class?

The Court has appointed Lief Cabraser Heimann Bernstein LLP, Keller Rohrback L.L.P., Cappello & Noel LLP, and Audet & Partners, LLP (“Class Counsel”) to be the attorneys representing the Class. You will not be charged for these lawyers. Class Counsel will apply to the Court for an award of attorneys’ fees in an amount not to exceed 33% of the total Settlement Amount (no more than \$60,720,000 from the Fisher Class Settlement Amount and \$15,180,000 from the Property Class Settlement Amount). In addition, Class Counsel will apply to the Court for reimbursement of their litigation expenses (in an amount not to exceed \$5.2 million from the Fisher Class Settlement Amount and \$1.3 million from the Property Class Settlement Amount). If you want to be represented by your own lawyer, you may hire one at your own expense.

What do I need to do to?

If you are a Class Member and you wish to get money from the Settlement, you are required to submit a Claim Form available at www.PlainsOilSpillSettlement.com, or by calling the toll-free number 1-844-202-9486 to request that a hard copy Claim Form be mailed to you. Your Claim Form and, if necessary, any required supporting documentation as set forth therein must be postmarked (if mailed) or submitted online to the address below **on or before the claims deadline [to be announced]**.

Plains Oil Spill Settlement
c/o JND Legal Administration
P.O. Box 91450
Seattle, WA 98111
Email: info@PlainsOilSpillSettlement.com
www.PlainsOilSpillSettlement.com
Telephone: 1-844-202-9486

If you are a Class Member you may object or tell the Court what you do not like about the Settlement. You will still be bound by the Settlement, and you may still file a claim. Objections must be served/ filed no later than **August 19, 2022**. Go to www.PlainsOilSpillSettlement.com for details on how to object to the Settlement. If you are a Class Member and you did not previously opt out of the Class or enter a separate settlement with Plains for which you signed a full release, you are a member of the Class and you will be bound by the release of claims as part of the Settlement. The Fisher Class was first certified on February 28, 2017, and later amended on November 22, 2019. The Property Class was certified on April 17, 2018. You previously had an opportunity exclude yourself from the Fisher Class and the Property Class. If you did not exclude yourself then, you may not exclude yourself now.

What happens next?

The Court will hold a Final Approval Hearing on **September 16, 2022, at 1:30 p.m. Pacific**, before the Honorable Phillip S. Gutierrez at the United States District Court for the Central District of California, First Street Courthouse, 350 West 1st Street, Courtroom 6A, 6th Floor, Los Angeles, California 90012-4565. At the hearing the Court will determine whether: (1) the Settlement of \$184,000,000 for the Fisher Class and \$46,000,000 for the Property Class should be approved by the Court as fair, reasonable and adequate; (2) the Judgment as provided under the Settlement Agreement should be entered; (3) to award Class Counsel attorneys’ fees and expenses out of the Fisher and Property Class Common Funds and, if so, in what amount; (4) to award Plaintiffs’ service awards (Class Counsel is requesting \$15,000 for each of the 14 Class Representatives) in connection with their representation of the Classes out of the Fisher and Property Class Common Funds and, if so, in what amount; and (5) the Plans of Distribution should be approved by the Court.

How do I get more information?

For more details and to print the Settlement Agreement, go to www.PlainsOilSpillSettlement.com. You may also write with questions or notify the Settlement Administrator regarding address changes to *Plains Oil Spill Settlement* c/o JND Legal Administration, P.O. Box 91450, Seattle, WA 98111, email at info@PlainsOilSpillSettlement.com or call the Settlement Administrator at 1-844-202-9486.

Updated Legal Notice

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Andrews et al. v. Plains All American Pipeline, L.P. et al., No. 2:15-cv-04113 (PSG:JEM)

Fisher Short Form

Notice

If you are a Commercial Fisher or Fish Processor that was in operation as of May 19, 2015, and fished or purchased fish from certain Southern California Fishing Blocks, you may be entitled to a payment from a class action settlement

A Federal Court authorized this Notice.

*Para una notificación en español, visite: www.PlainsOilSpillSettlement.com
Để nhận thông báo tiếng Việt, vui lòng truy cập: www.plainsoilspillsettlement.com
如需中文通知, 请访问: www.plainsoilspillsettlement.com*

A Settlement has been reached in the class action lawsuit claiming that Plains All American Pipeline L.P. and Plains Pipeline L.P. (“Plains” or “Defendants”) caused an underground pipeline to rupture, resulting in an oil spill along the coast in Santa Barbara County on May 19, 2015. Plaintiffs allege the spill caused long term harm to commercial fishing in the affected class blocks, including significant financial losses. Plains denies any claims of wrongdoing and disputes Plaintiffs’ claims. A Fisher Class was previously certified by this Court. This Notice provides information regarding the \$184 million Fisher Class Settlement. A settlement has also been reached on behalf of certain property owners and lessees (“the Property Class Settlement”). The Fisher and Property Class Settlement, if approved by the Court, will resolve all remaining claims in the class action litigation pending in the United States District Court for the Central District of California.

You are a Fisher Class Member if you are a person or business who owned or worked on a vessel that was in operation as of May 19, 2015 and that: (1) landed any commercial seafood in California Department of Fish & Wildlife (“CDFW”) fishing blocks 654, 655, or 656; or (2) landed any commercial seafood, except groundfish or highly migratory species (as defined by the CDFW and the Pacific Fishery Management Council), in CDFW fishing blocks 651-656, 664-670, 678-686, 701-707, 718-726, 739-746, 760-765, or 806-809; from May 19, 2010 to May 19, 2015, inclusive; or if you are a person or business in operation as of May 19, 2015 who purchased such commercial seafood directly from the Commercial Fishers and re-sold it at the retail or wholesale level. You can find out if you are a Fisher Class Member by going to www.PlainsOilSpillSettlement.com.

What does the Settlement provide?

The Fisher Class Settlement, if approved, will result in the creation of a cash settlement fund of \$184,000,000 (the “Fisher Class Settlement Amount”). The Fisher Class Settlement Amount, together with any interest earned thereon, is the “Fisher Class Common Fund.” The Fisher Class Common Fund less (a) any Taxes and Tax Expenses; (b) any Notice and Administration Expenses; and (c) any attorneys’ fees and costs and any service awards to Class Representatives in connection with their representation of the Class, awarded by the Court (the “Net Settlement Fund”), will be distributed to eligible Class Members pursuant to a proposed plan of distribution (“Plan of Distribution”). If you are entitled to relief under the Fisher Class Settlement, the Settlement Administrator will determine the portion of the Fisher Class Net Settlement Fund payable to you pursuant to the Court-approved Plan of Distribution.

What are the reasons for the Settlement?

The Court has not decided whether Plaintiffs or Defendants should win this Litigation. The Settling Parties do not agree on whether Plaintiffs would have prevailed on any of their claims against Plains, or the amount of damages, if any, that would be recoverable if the Class prevailed on the claims alleged. Instead, both sides agreed to the Settlement after years of contested litigation, including at the motion to dismiss, class certification, and summary judgment stages. The Parties had also completed substantial discovery and were preparing for trial to commence on June 2, 2022.

Updated Legal Notice

Who represents the Class?

The Court has appointed Lief Cabraser Heimann Bernstein LLP, Keller Rohrback L.L.P., Cappello & Noel LLP, and Audet & Partners, LLP (“Class Counsel”) to be the attorneys representing the Class. You will not be charged for these lawyers. Class Counsel will apply to the Court for an award of attorneys’ fees in an amount not to exceed 33% of the total amount of the Fisher Settlement (or \$60,720,00), plus their litigation expenses (not to exceed \$5.2 million). (Class Counsel’s fee and litigation expenses application will also include a request for an equivalent percentage from the Property Class Settlement, plus additional litigation expenses.) If you want to be represented by your own lawyer, you may hire one at your own expense.

What do I need to do to?

If you are a Class Member and you wish to get money from the Settlement, you are required to submit a Claim Form available at www.PlainsOilSpillSettlement.com, or by calling the toll-free number 1-844-202-9486 to request that a hard copy Claim Form be mailed to you. Your Claim Form and, if necessary, any required supporting documentation as set forth therein must be postmarked (if mailed) or submitted online **on or before October 31, 2022**.

Plains Oil Spill Settlement
c/o JND Legal Administration
P.O. Box 91450
Seattle, WA 98111
Email: info@PlainsOilSpillSettlement.com
www.PlainsOilSpillSettlement.com
Telephone: 1-844-202-9486

If you are a Class Member, you may object or tell the Court what you do not like about the Settlement. You will still be bound by the Settlement, and you may still file a Claim. Objections must be served/filed no later than **August 19, 2022**. Go to www.PlainsOilSpillSettlement.com for details on how to object to the Settlement.

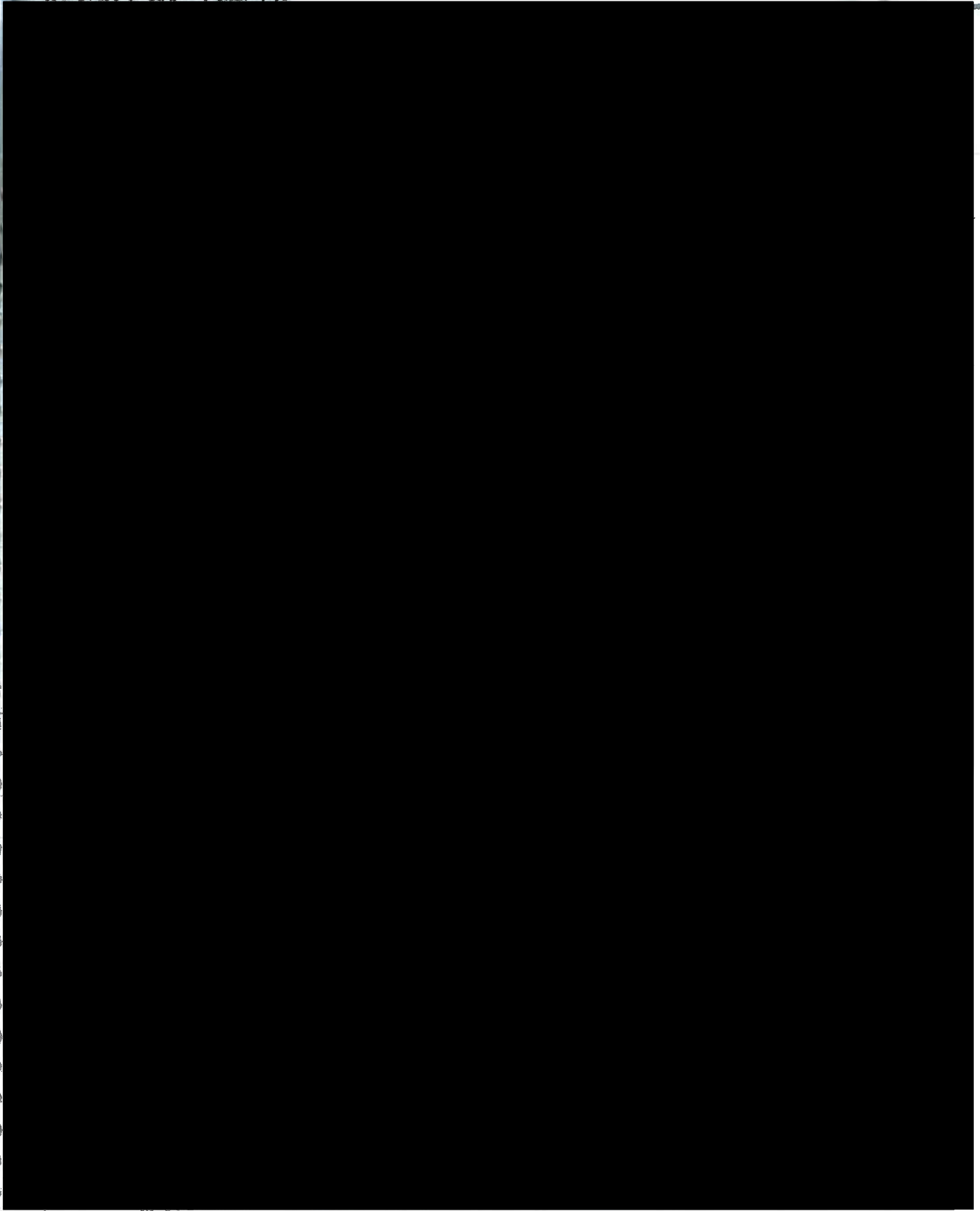
If you are a Class Member and you did not previously opt out of the Fisher Class or enter a separate settlement with Plains for which you signed a full release, you are a member of the Class and you will be bound by the release of claims as part of the Settlement. The Fisher Class was first certified on February 28, 2017, and later amended on November 22, 2019, and you previously had an opportunity exclude yourself. If you did not exclude yourself then, you may not exclude yourself now.

What happens next?

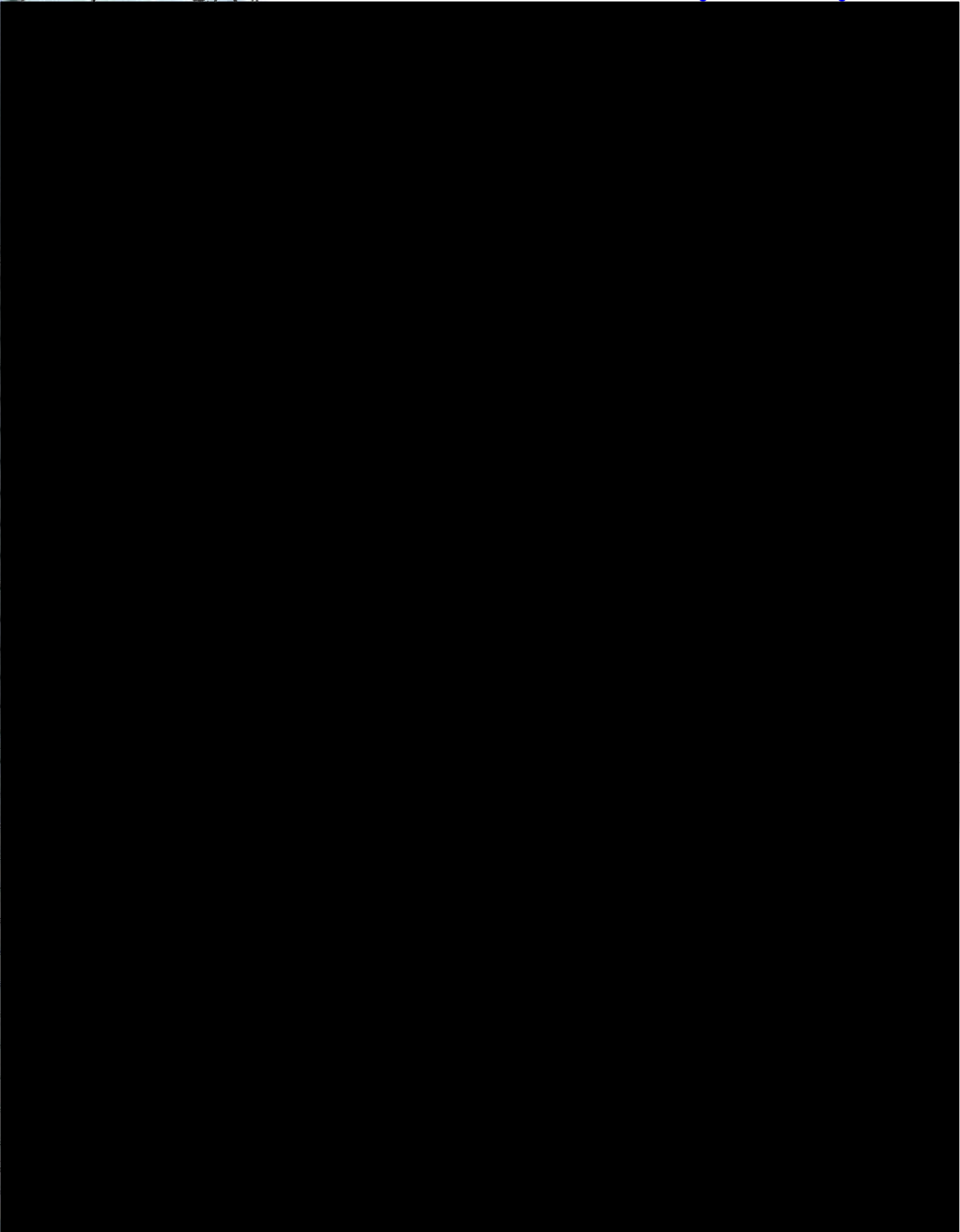
The Court will hold a Final Approval Hearing on **September 16, 2022, at 1:30 p.m. Pacific**, before the Honorable Phillip S. Gutierrez at the United States District Court for the Central District of California, First Street Courthouse, 350 West 1st Street, Courtroom 6A, 6th Floor, Los Angeles, California 90012-4565. At the hearing the Court will determine whether: (1) the Settlement as set forth in the Settlement Agreement for \$184,000,000 in cash should be approved by the Court as fair, reasonable and adequate; (2) the Judgment as provided under the Settlement Agreement should be entered; (3) to award Class Counsel attorneys’ fees and expenses out of the Fisher Class Common Fund and, if so, in what amount; (4) to award Plaintiffs’ service awards (Class Counsel is requesting \$15,000 for each Fisher Class Representative) in connection with their representation of the Class out of the Fisher Class Common Fund and, if so, in what amount; and (5) the Plan of Distribution should be approved by the Court.

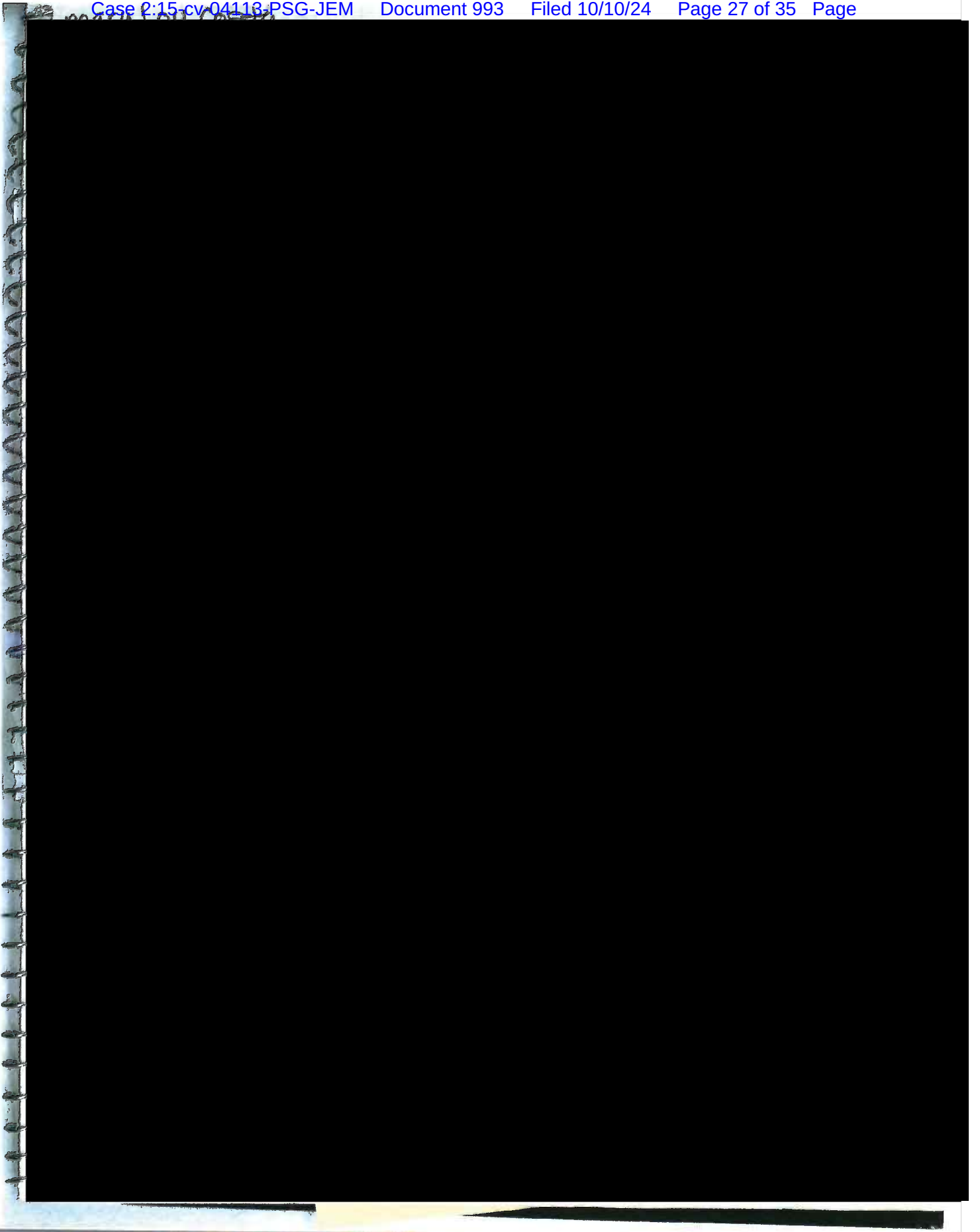
How do I get more information?

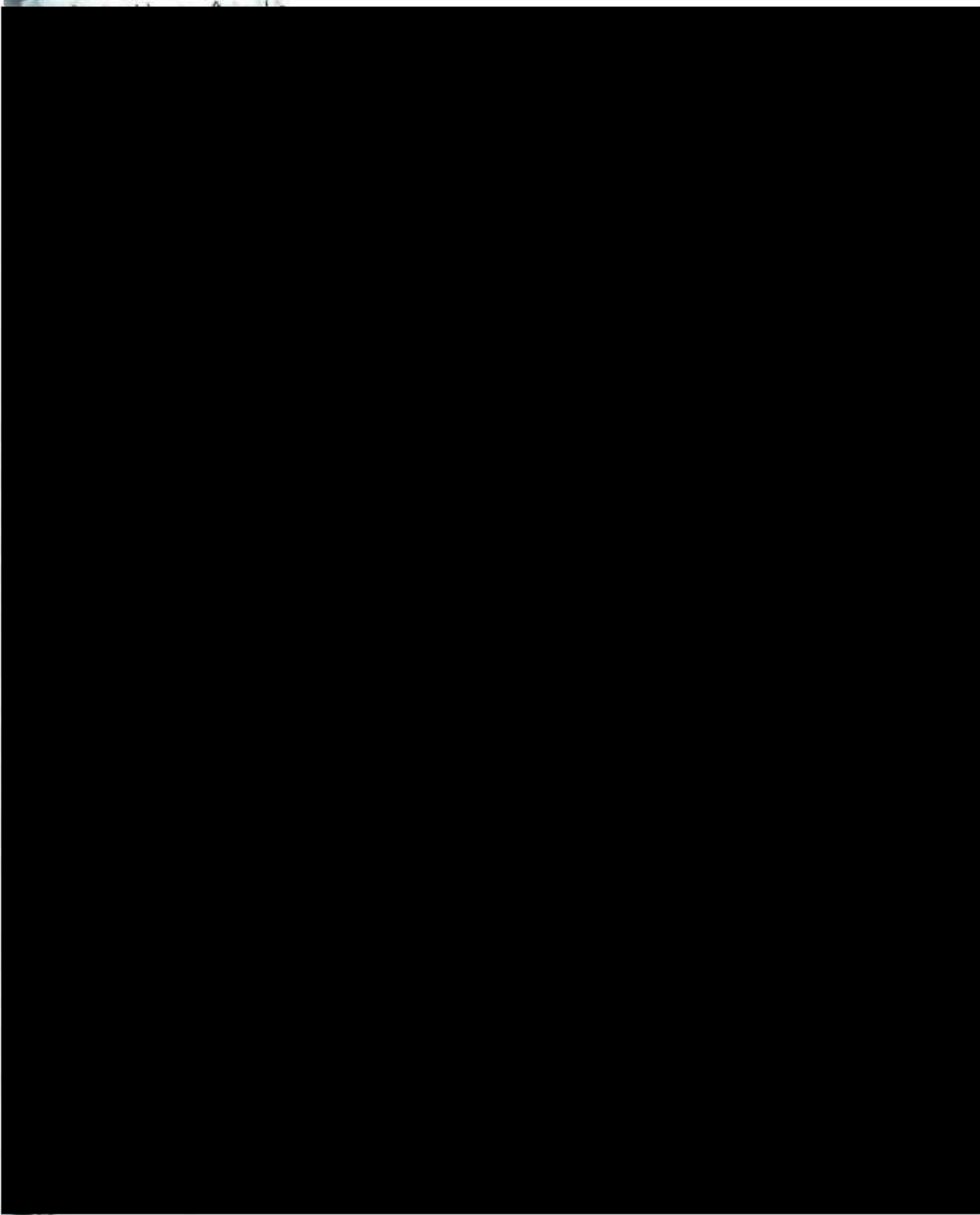
For more details and to print the Settlement Agreement go to www.PlainsOilSpillSettlement.com. You may also write with questions or notify the Settlement Administrator regarding address changes to *Plains Oil Spill Settlement* c/o JND Legal Administration, P.O. Box 91450, Seattle, WA 98111, email at info@PlainsOilSpillSettlement.com or call the Settlement Administrator at 1-844-202-9486.

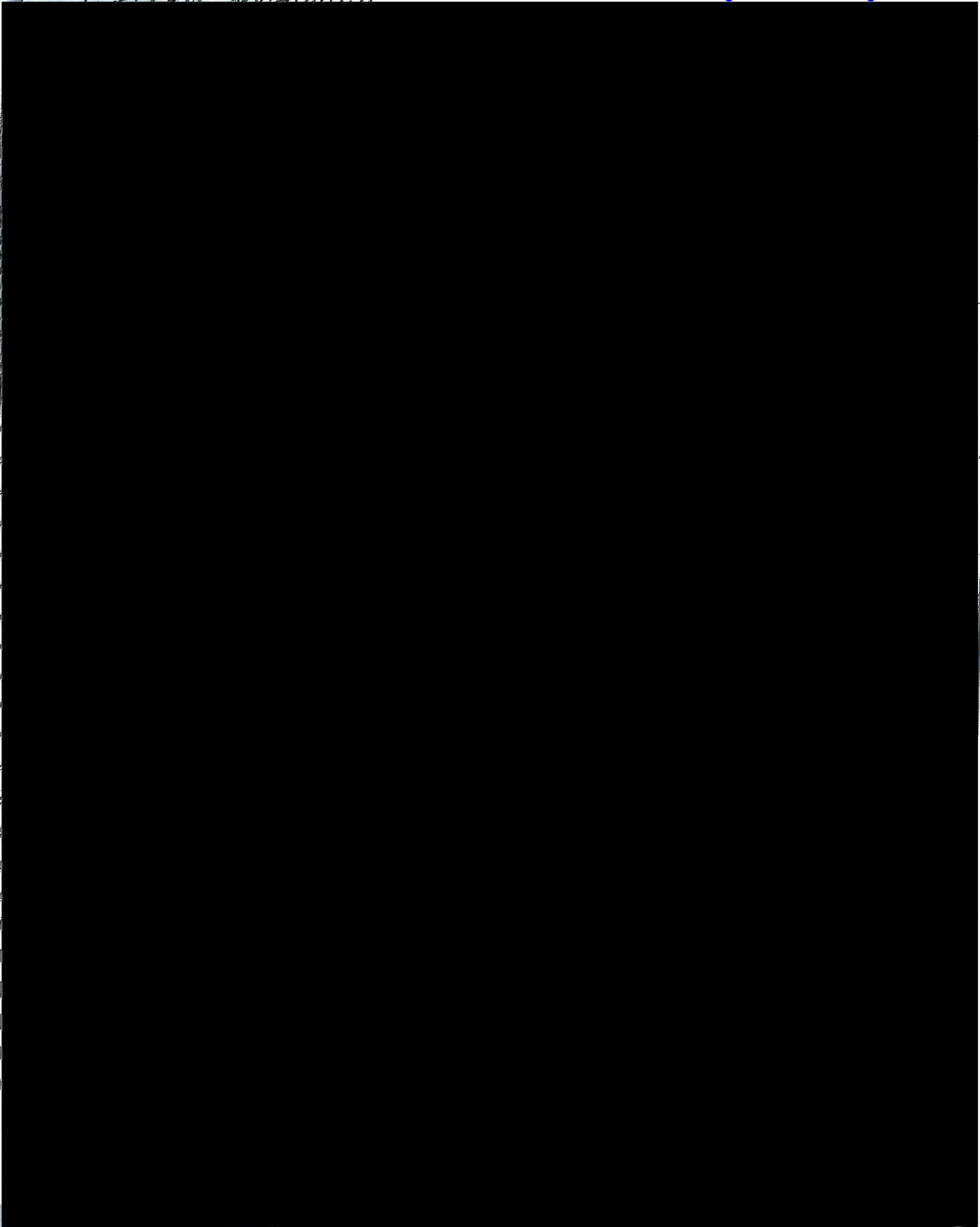


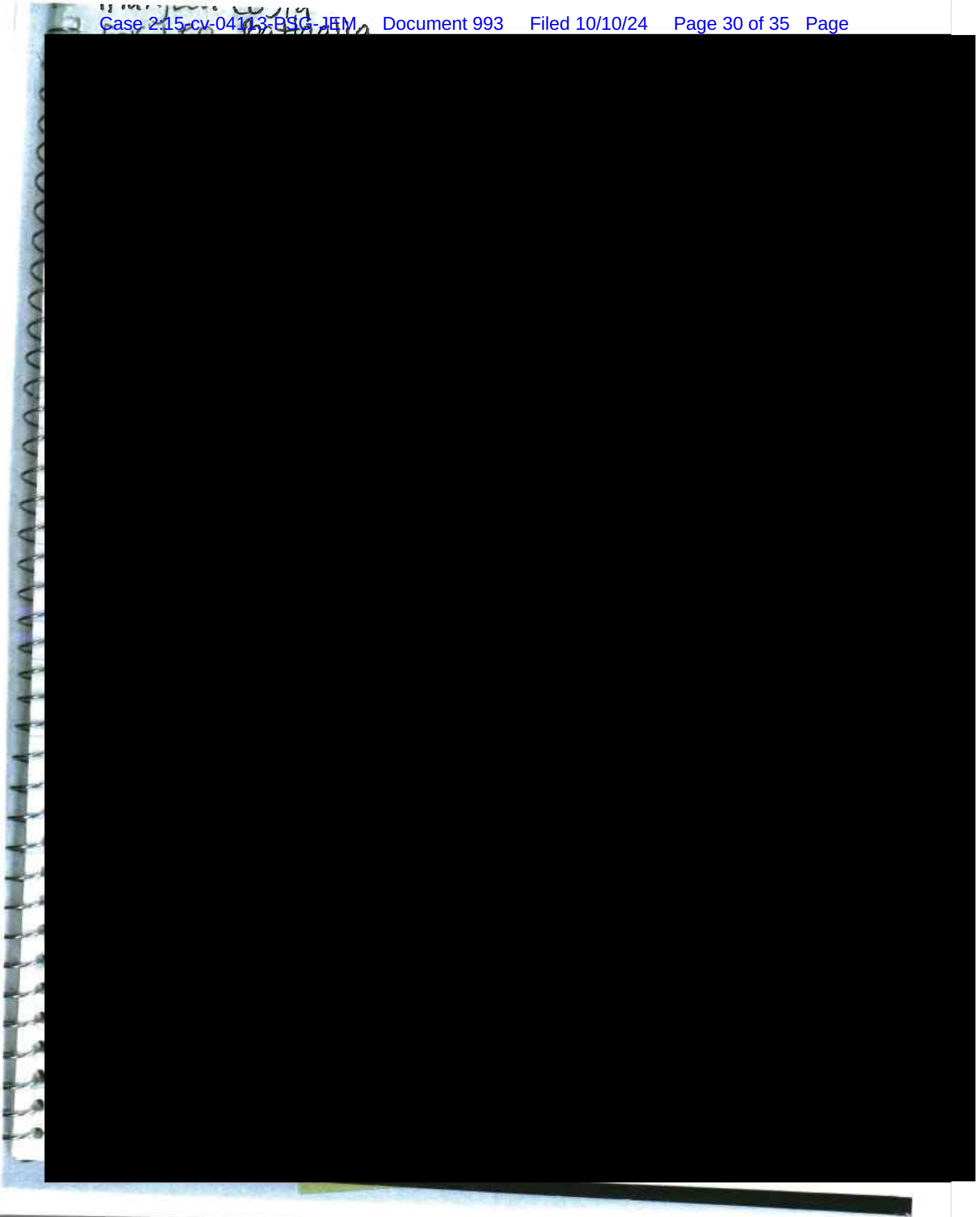
marilyn costa



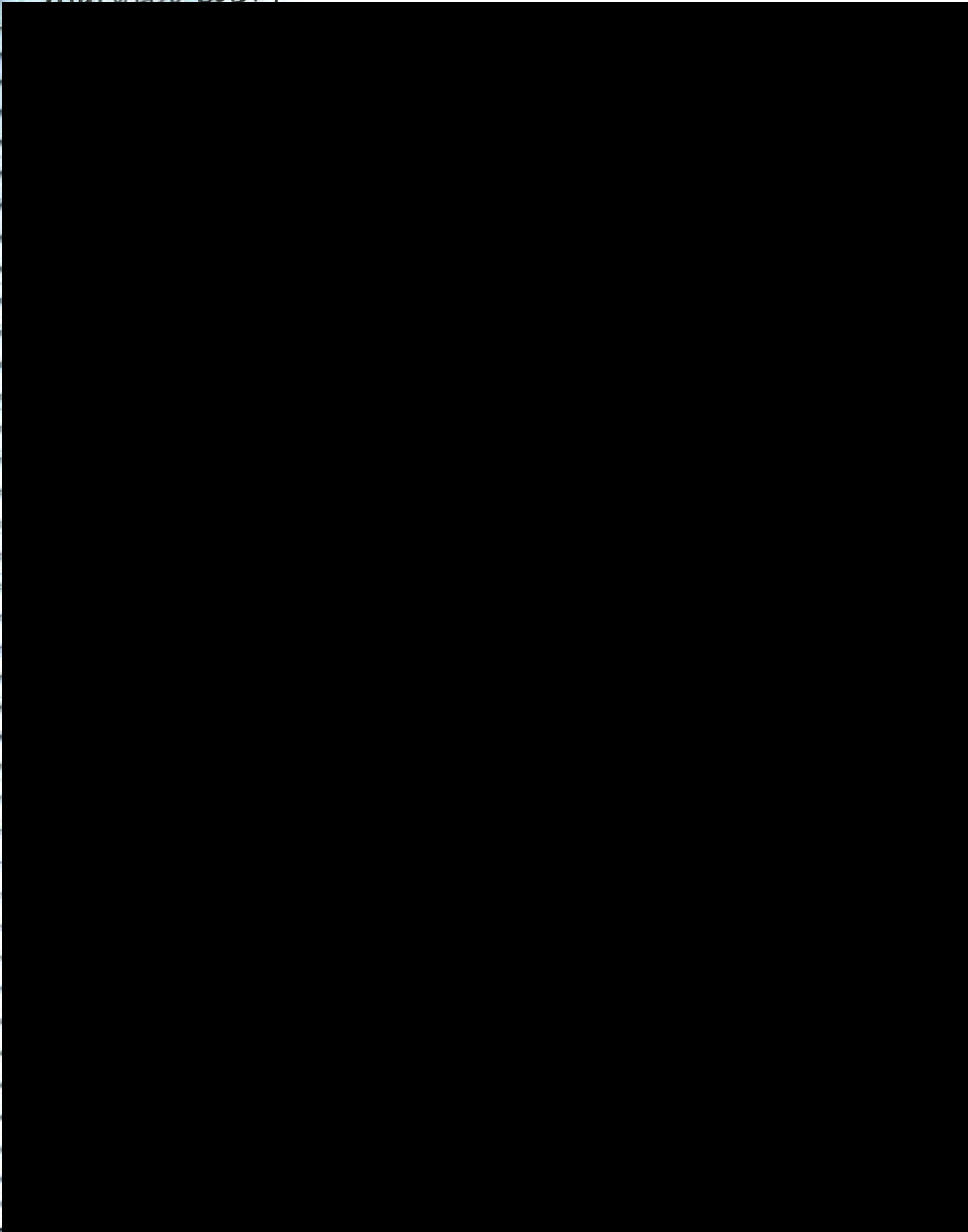


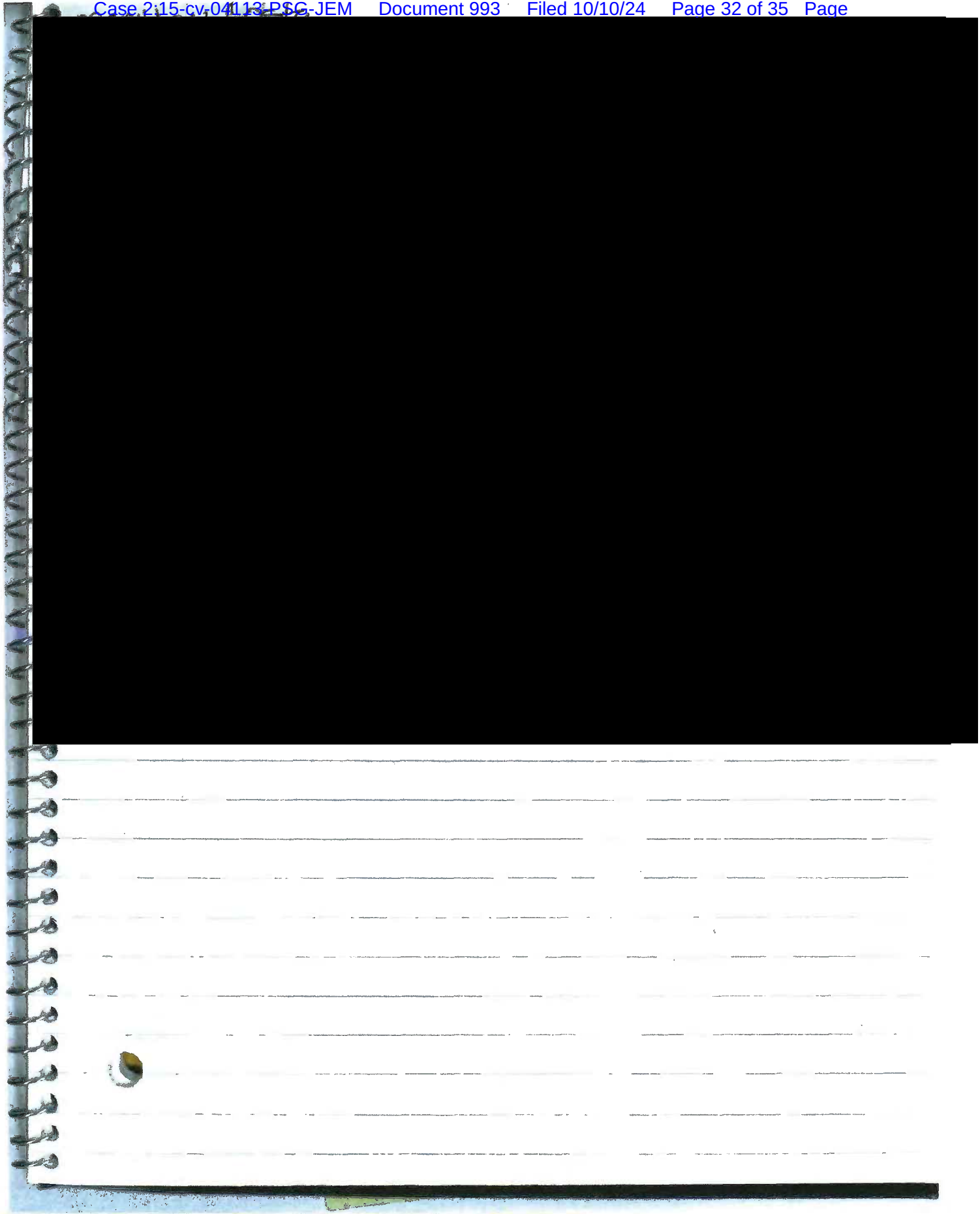






marathon test





Honorable Philip S. Gutierrez
Central District of California
United States District Court
First Street Courthouse
350 W. 1st Street
Court Room 6A, 6th Floor
Los Angeles, CA. 90012-4565

Governor Gavin Newsom
1021 "O" Street, Suite 90000
Sacramento, CA. 95814
Telephone No. 916-445-2841

Supervisor Janice Hahn
302 West 5th Street, #200
San Pedro, CA 90731
Telephone No. 213-974-4444

Kevin Reddick
Central District of California
United States District Court
First Street Courthouse
350 W. 1st Street
Court Room 6A, 6th Floor
Los Angeles, CA. 90012-4565
213-894-0222
Psg_chambers@cacducourts.gov

Councilman Tim McOsker
638 S. Beacon St.; Room 552
San Pedro, CA. 90731
Telephone No. 310-732-4515

Julie E. Farris (CSB No. 1417)
jfarris@rohrback.com
Keller Rohrback L.L.P.
801 Garden St. Suite 301
Santa Barbara, CA. 93101
Telephone #805-456-1496
Fax #805-456-1497

Robert J. Nelson (CSB No. 132797)
rnelson@lchb.com
Leiff Cabraser Heimann & Bernstein, LLP
275 Battery St.; 29th Floor
San Francisco, CA. 94111-3339
Telephone No. 415-956-1000
Fax No. 415-956-1008

A. Barry Cappello (CSB No. 037835)
abc@cappellonoel.com
831 State St.
Santa Barbara, CA 93101-3227
Telephone No. 805-564-2444
Fax No. 805-965-5950

CDFW Headquarters
715 "P" Street
Sacramento, CA. 95814
Telephone No. 916-445-0411

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Kevin Reddick
First Street Courthouse
350 W. 1st Street
Courtroom 6A, 6th floor
Los Angeles, CA 90012-4565

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September 19, 2024

Robert L. Lief (CSB No. 037568)
Elizabeth J. Cabraser (CSB No. 083151)
Robert J. Nelson (CSB No. 132797)
Wilson M. Dunlavey (CSB No. 307719)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000 Facsimile: (415) 956-1008

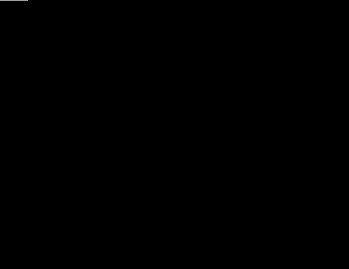
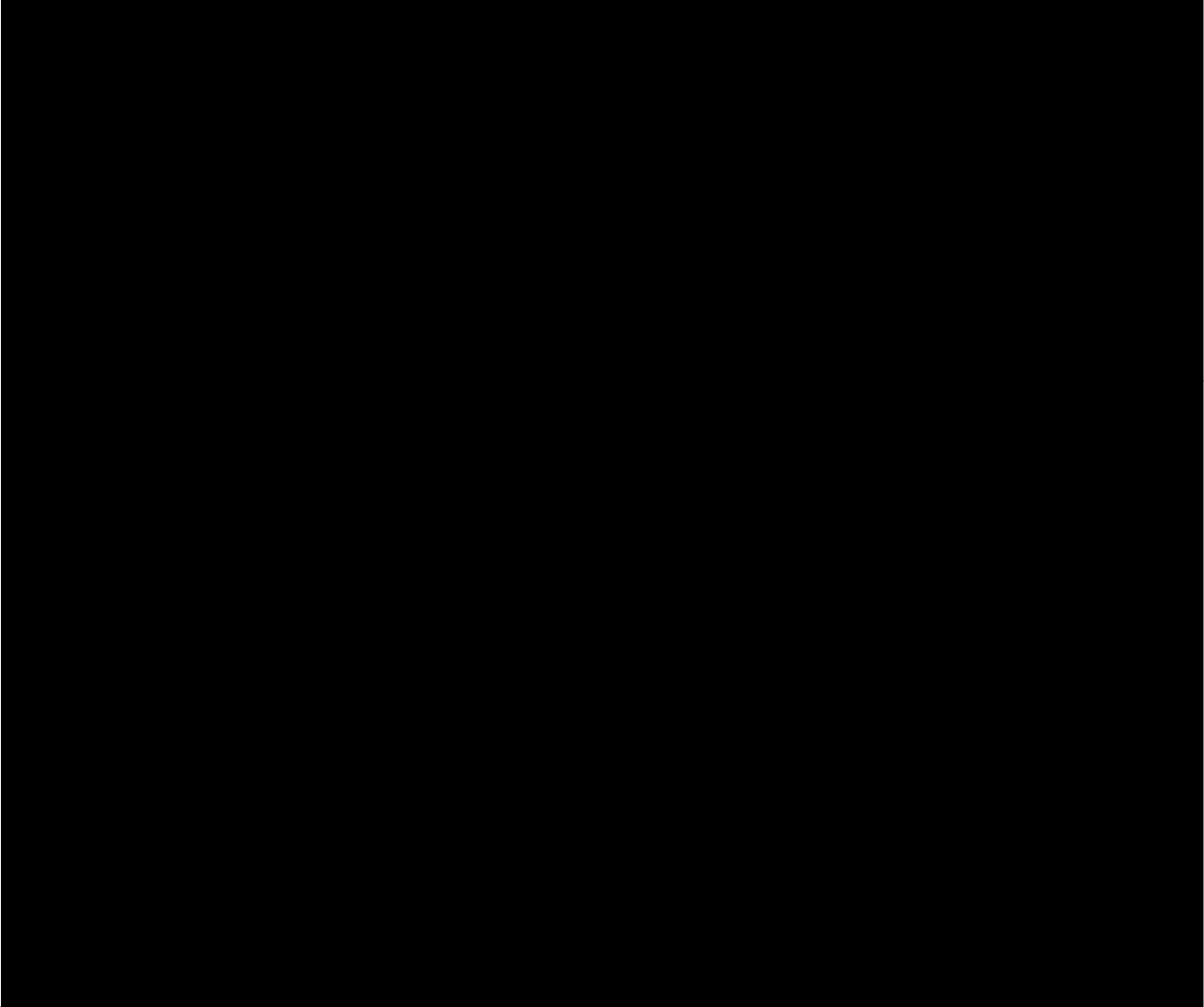
Lynn Lincoln Sarko (Admitted Pro Hac Vice)
Gretchen Freeman Cappio (Admitted Pro Hac Vice)
Daniel Mensher (Admitted Pro Hac Vice)
KELLER ROHRBACK L.L.P.
1201 Third Ave., Suite 3200
Seattle, WA 98101
Telephone: (206) 623-1900 Facsimile: (206) 623-3384

Juli Farris (CSB No. 141716)
Matthew J. Preusch (CSB No. 298144)
KELLER ROHRBACK L.L.P.
1129 State Street, Suite 8
Santa Barbara, CA 93101
Telephone: (805) 456-1496 Facsimile: (805) 456-1497

Barry Cappello (CSB No. 037835)
Leila J. Noël (CSB No. 114307)
Lawrence J. Conlan (CSB No. 221350)
CAPPELLO & NOËL LLP
831 State Street Santa Barbara, CA 93101-3227
Telephone: (805)564-2444 Facsimile: (805)965-5950

Subject: Request for Correct Payment in Plains Oil Spill Class Action Lawsuit

Hello,



Cc: consumerspotlightNBC.groundcrew.com



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 KELLER ROHRBACK L.L.P.

Keller Rohrback, LLP
 1201 Third Ave, Suite 3200
 Seattle Washington 98101

Plains oil spill

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