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***Lead Trial Counsel***

12 ***Class Counsel***  
13 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**  
17 **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

**STATUS REPORT REGARDING  
DISTRIBUTION OF REMAINING  
FUNDS TO FISHER AND  
PROPERTY CLASSES**

Judge: Hon. Philip S. Gutierrez

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1 **I. INTRODUCTION**

2 Class Counsel submits this Report to apprise the Court of the status of settlement  
3 distributions to members of the Fisher Class and Property Class, to make  
4 recommendations regarding resolution of the remaining disputed claims, and to develop  
5 a process for distributing residual funds.<sup>1</sup>

6 **II. STATUS OF CLAIMS PROCESS**

7 The Claims Administrator has paid all pending Verified Claims. As of July 31,  
8 2024, the Settlement Administrator, JND, has received a total of 883 Fisher Class Claim  
9 Forms (730 timely claims; 153 late claims) and 1,269 Property Class Claim Forms  
10 (1,181 timely claims; 88 late claims). Consistent with the Court’s Order dated April 3,  
11 2024 (Dkt. 984), directing the Settlement Administrator to pay verified claims submitted  
12 after the October 31, 2022 deadline that were received and completed without  
13 deficiencies as of March 29, 2024, all such claims that could be verified have since been  
14 paid. *See* Declaration of Genevieve Pierce, ¶¶10, 16 (“Pierce Decl.”). As of July 31,  
15 2024, a total of \$115,869,595.68 has been distributed to the Fisher Class and  
16 \$27,539,827.20 has been distributed to the Property Class. The Settlement  
17 Administrator estimates that \$4,953,636.35 remains available for distribution to Fisher  
18 claimants and \$2,442,078.80 remains available for Property claimants, after  
19 administrative fees and costs are deducted.

20 **III. PROPOSED DISTRIBUTION OF REMAINING FUNDS**

21 **A. Disposition of Remaining Claims**

22 **1. Objections to Notice of Rejection.**

23 Consistent with this Court’s April 3, 2024 Order, the Settlement Administrator  
24 issued Notices of Rejection to 39 Fisher claimants and 226 Property claimants whose  
25 claims could not be verified. Of these, 7 Fisher claimants and 23 Property claimants  
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27 <sup>1</sup> Counsel for Plains were notified of this proposal via email on July 31, 2024 and have  
28 advised that Plains takes no position regarding the plan.

1 submitted objections to the Notice of Rejection.<sup>2</sup> The Settlement Administrator and  
2 Class Counsel have reviewed these objections and accompanying documents, together  
3 with applicable landings records provided by the California Department of Fish and  
4 Wildlife (“CDFW data”) and property records. Two of the Property submissions have  
5 now provided sufficient bases to verify the underlying claims, and the Settlement  
6 Administrator recommends payment to these claimants. The total value of the claims  
7 recommended for payment is \$188,953.14.

8 Unfortunately, the Settlement Administrator is unable to establish that any of the  
9 remaining contested Property or Fisher claims are valid. The objecting claimants fail to  
10 provide sufficient information to demonstrate that they are class members, and do not  
11 provide sufficient information from which a claim can be calculated. Charts  
12 summarizing each objection, together with recommendations for their disposition, are  
13 attached as Exhibits A and B to the Pierce Declaration.<sup>3</sup> Aside from the two Property  
14 claims described above, the Settlement Administrator and Class Counsel do not  
15 recommend payment for any of these claims, for the reasons indicated.

## 16 **2. Objections to Settlement Award Amounts.**

17 As of July 31, 2024, ten Fishers have objected to the amounts of their claims.  
18 These claims were not rejected, so were not officially included in the procedures for  
19 objection, but the Settlement Administrator and Class Counsel have nevertheless  
20 reviewed all such objections. A summary of each objection, together with  
21 recommendations for their disposition is attached as Exhibit C to the Pierce  
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23 <sup>2</sup> Four claimants filed a motion to enforce payment of claims, which was withdrawn ten  
24 days later, so is not included here.

25 <sup>3</sup> The underlying claim documents, objections, and related materials are not attached to  
26 the summary charts because they contain personal financial information, information  
27 prohibited from disclosure, or for which confidential treatment is required by law. *See*  
28 Fed. R. Civ. P. 5.2 and Local Civil Rule 5.2; Cal. Fish & Game Code § 8043 *et seq.*  
Class Counsel can provide them for *in camera* review, or by filing them under seal,  
upon request.

1 Declaration.<sup>4</sup> Based on the information provided and review of existing CDFW data,  
2 these claims have already been accurately calculated, and with one exception, the  
3 calculated amounts have been paid in full.<sup>5</sup> It appears that the questions or concerns of  
4 most of these claimants have been resolved after additional outreach. The Settlement  
5 Administrator and Class Counsel do not recommend additional payment for any of the  
6 remaining claims, for the reasons stated. But as Verified Claimants, each of these  
7 claimants will be entitled to participate in any supplemental distribution made to the  
8 Class of which they are members, if approved by the Court, as indicated below.

9 **3. Additional Late Claims**

10 Since March 29, 2024, the Settlement Administrator has received requests from  
11 approximately 11 prospective Property Class claimants and 8 prospective Fisher Class  
12 claimants who failed to submit or complete claims before the March deadline, but have  
13 asked that they be permitted to submit new claims or correct deficiencies in previously  
14 submitted claims. A list of these individuals is attached as Exhibit D to the Pierce  
15 Declaration. Given the balance of funds available, and to ensure that settlement funds  
16 reach impacted victims to the extent possible, Class Counsel propose that claimants who  
17 have asked to do so as of the date of this filing, August 1, 2024, be given 14 days from  
18 the date of the Court's order permitting them to do so to submit their claims to the  
19 Settlement Administrator, and that any such claims that can be verified based on  
20 existing property records or CDFW data be paid from the remaining funds available for  
21 distribution from each of the respective funds after objections to Notices of Rejection  
22 and other pending objections are resolved.

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26 <sup>4</sup> For the reasons given above, the underlying claim documents are not attached but can  
be provided to the Court upon request.

27 <sup>5</sup> The Settlement Administrator and Class Counsel recommend that an additional payment  
28 of \$316.83 be made to one of the Fisher claimants, as indicated in the chart provided.

1           **4. Disposition of unclaimed checks.**

2           As of July 25, 2024, more than 96% of the settlement checks issued have been  
3 negotiated. Just 42 Fisher claim checks and 21 Property claim checks are still pending,  
4 and only 5 outstanding checks remain that have expired.<sup>6</sup> The Settlement Administrator  
5 continues to reach out to claimants whose checks remain uncashed, and has reissued  
6 checks where necessary. Given the high response rate and the size of the pending  
7 claims, redistribution of unclaimed funds will be time-consuming and would deprive  
8 claimants of significant sums in many instances. Class Counsel propose that the  
9 Settlement Administrator be directed to escheat, to the state of each claimant’s residence  
10 or last known address, any checks still pending as of January 31, 2025, or 180 days after  
11 issuance, whichever is later. By doing so, the claim amounts will remain available to the  
12 claimants as unclaimed funds after the settlement program is completed, according to  
13 the rules and procedures of each respective state.

14           **B. Payment of Administrative Fees and Costs.**

15           As of July 31, 2024 the Settlement Administrator has expended 12,881.33 hours  
16 and \$1,461,601.43 in fees towards evaluating and verifying Claims, addressing Class  
17 Member inquiries and distributing Settlement Funds. Additionally, 1043.4 hours and  
18 \$162,604.70 in fees and costs have been expended by consultants at the Fontana Group,  
19 to assist the Settlement Administrator in reviewing and calculating claims submitted by  
20 Fisher claimants, using CDFW data and the formula for damages used in the litigation  
21 by Plaintiffs’ experts.

22           The Settlement Administrator and consultants have expended significant time to  
23 administer a complex settlement process requiring high levels of engagement and  
24 communication with claimants to calculate and verify each claim. Class Counsel request  
25 approval of \$1,461,601.43 to the Settlement Administrator and \$162,604.70 to Fontana  
26 Group, for costs and fees expended as of July 31, 2024.

27 \_\_\_\_\_  
28 <sup>6</sup> All settlement checks were issued with a 180-day expiration date.

1 **C. Disposition of Residual Funds**

2 Class Counsel makes the following recommendations for distribution of  
3 remaining residual funds, consistent with guidance from state and federal courts, that  
4 settlement funds be distributed directly to victims to the extent feasible. *See, e.g.*  
5 *Principles of the Law of Aggregate Litigation* §3.07(a)-(b) (Am. L. Inst. 2010)  
6 (“Principles”) (“If individual class members can be identified through reasonable effort,  
7 and the distributions are sufficiently large to make individual distributions economically  
8 viable, settlement proceeds should be distributed directly to individual class  
9 members. . . . If the settlement involves individual distributions to class members and  
10 funds remain after distributions (because some class members could not be identified or  
11 chose not to participate), the settlement should presumptively provide for further  
12 distributions to participating class members unless the amounts involved are too small  
13 to make individual distributions economically viable or other specific reasons exist that  
14 would make such further distributions impossible or unfair.”); *In re Citigroup Inc. Sec.*  
15 *Litig.*, 199 F. Supp.3d 845 (S.D.N.Y. 2016) (*cy pres* designation should be made only  
16 when it is not feasible to make further distributions to class members).

17 **1. Proposed Supplemental Distribution to Property Class**

18 The Settlement Administrator estimates that \$2.4 million remains available in the  
19 Property Class Settlement Fund as of July 31, 2024, after anticipated administrative fees  
20 and costs are deducted. Class Counsel estimates that at least \$1.5 million will remain  
21 available for distribution after the remaining contested claims and additional late claims  
22 are resolved, and propose that this amount be distributed on a pro rata basis to Property  
23 Claimants with Verified Claims (including all verified and accepted late claims  
24 described above that are approved for payment by this Court). This will ensure that  
25 proceeds of the settlement are distributed to class member victims for whom the lawsuit  
26 is brought. *See, e.g.*, *Principles* §3.07(a).

1           **2. Proposed Supplemental Distribution to Fisher Class**

2           The Settlement Administrator estimates that \$4.9 million remains available in the  
3 Fisher Class Settlement Fund as of July 31, 2024, after anticipated administrative fees  
4 and costs are deducted. Class Counsel estimates that at least \$3 million will remain  
5 available for distribution after the remaining contested claims and additional late claims  
6 are resolved, and propose that this amount be distributed on a pro rata basis to Fisher  
7 Claimants with Verified Claims (including all verified and accepted late claims  
8 described above that are approved for payment by this Court). As above, such  
9 distribution is consistent with the goals of the lawsuit and guidance of state and federal  
10 courts. *Id.*

11           **3. Cy Pres Distribution**

12           Class Counsel expect that supplemental distribution of the remaining funds as  
13 described above will ensure that the vast majority of the funds available go directly to  
14 victims. Once the Supplemental Distribution is completed, it is unlikely that any  
15 remaining residual funds will not be sufficient to cover the administrative costs of any  
16 subsequent class-wide distribution, and would not result in check amounts of sufficient  
17 size to ensure that claimants negotiate them. Class Counsel will submit a supplemental  
18 status report to the Court with 30 days after completion of the Supplemental  
19 Distribution, with recommendations for further distribution to class members, if  
20 warranted, or a proposal for *cy pres* award to one or more non-profits whose missions  
21 are consistent with the purpose and objectives of the lawsuit and the interests and  
22 geographic scope of the Fisher and Property Classes. *See, e.g. Nachshin v. AOL, LLC*,  
23 663 F.3d 1034, 1039 (9th Cir. 2011) (citing *Six Mexican Workers v. Arizona Citrus*  
24 *Growers*, 904 F.2d 1301, 1307 (9<sup>th</sup> Cir. 1990)) (Cy pres distributions must account for  
25 the nature of the plaintiffs’ lawsuit, the objectives of the underlying statutes at issue, and  
26 the interests of the silent class members, including their geographic diversity);  
27 California Code of Civil Procedure §384(b) (authorizing distribution of any “residue or  
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1 unclaimed or abandoned class member funds, plus any interest that has accrued thereon,  
2 to nonprofit organizations or foundations to support projects that will benefit the class or  
3 similarly situated persons, or that promote the law consistent with the objectives and  
4 purposes of the underlying cause of action.”); Principles §307 (c) (“If the court finds  
5 that individual distributions are not viable based upon the criteria set forth in  
6 subsections (a) and (b), the settlement may utilize a *cy pres* approach. The court, when  
7 feasible, should require the parties to identify a recipient whose interests reasonably  
8 approximate those being pursued by the class.”)

#### 9 **IV. CONCLUSION**

10 For the reasons stated above, Class Counsel respectfully request that this Court  
11 authorize payment to the two Property Claimants who objected to the Notice of  
12 Rejection and have since provided information and documents sufficient to verify their  
13 claims; overrule the objections to the remaining Notices of Rejected Claims; authorize  
14 an additional payment of \$316.83 to claimant D7UAEZFCG3; overrule all remaining  
15 objections to claim amounts; authorize submission of late claims, within 30 days of the  
16 date of this Order, from those who, on or before August 1, 2024, requested permission  
17 from Class Counsel or the Settlement Administrator to submit them; if verified,  
18 authorize payment of such claims from the amounts available for distribution in the  
19 Property and Fisher Settlement Funds after all pending verified claims have been paid;  
20 authorize Supplemental distribution to all Verified Claimants in each Class, on a pro  
21 rata basis; direct the Settlement Administrator to escheat, to the state of the claimant’s  
22 residence or last known address, the amounts of any settlement checks that have not  
23 been cashed as of January 31, 2025, or 180 days after issuance, whichever is later. Class  
24 Counsel will submit another status report 30 days after the Supplemental Distribution is  
25 completed with a proposal for further distribution or selection of a *cy pres* recipient for  
26 any remaining residual funds.

27 A proposed order is submitted with this motion.



1 Dated: August 1, 2024

Respectfully submitted,

2 KELLER ROHRBACK L.L.P.

3  
4 By: /s/ Juli E. Farris

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***Lead Trial Counsel***

**CERTIFICATE OF SERVICE**

I, Juli Farris, hereby certify that on August 1, 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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*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

**DECLARATION OF GENEVIEVE  
PIERCE IN SUPPORT OF STATUS  
REPORT REGARDING REJECTED  
CLAIM OBJECTIONS AND  
RECOMMENDATIONS FOR  
DISTRIBUTION OF RESIDUAL  
FUNDS**

Judge: Hon. Philip S. Gutierrez

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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; and a Declaration in Support of Status Report Regarding Settlement  
14 Distribution to Fisher and Property Classes, filed April 3, 2024, ECF No. 983-1. This  
15 Declaration is being filed to update the Court on the status of rejected claim objections,  
16 and to provide recommendations for the distribution of residual Settlement<sup>1</sup> funds.

17 3. On September 20, 2022, the Court granted Final Approval of the Settlement  
18 of this action and entered the Order Granting Final Approval of Proposed Settlement,  
19 ECF No. 978 (“Final Approval Order”). Additionally, on September 20, 2022, the Court  
20 entered an Order Granting Plaintiffs’ Motion for Approval of Plans of Distribution, ECF  
21 No. 979. On April 3, 2024, Class Counsel filed a Status Report and Request for Deadlines  
22 and Procedures Regarding Settlement Distribution to Fisher and Property Classes, ECF  
23

24 <sup>1</sup> 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. 983 and, on that same day, the Court entered the Order Regarding Deadlines and  
2 Procedures Re: Settlement Distribution to Fisher and Property Classes, ECF No. 984  
3 (“Status Report Order”).  
4

5 **CLAIMS PROCESS AND RESOLUTION OF DEFICIENT CLAIMS**

6 4. As of July 25, 2024, JND has received a total of 883 Fisher Class Claim Forms  
7 (730 timely-filed claims; 153 late claims) and 1,269 Property Class Claim Forms (1,181  
8 timely-filed claims; 88 late claims).  
9

10 5. Pursuant to the Court’s Status Report Order, the deadline for the resolution of  
11 deficiencies (except those already in process) was March 29, 2024, and the final deadline  
12 for the resolution of deficiencies already in process was April 30, 2024.

13 6. Per the request of Class Counsel, JND conducted outreach to 20 claimants  
14 who had already been in contact with Class Counsel regarding their deficiencies and  
15 requested that they provide additional documentation or information. Any supplemental  
16 documentation or information provided by claimants who submitted deficient Claim  
17 Forms was reviewed on an ongoing basis, and the number of Verified Claims was updated  
18 as applicable throughout this process.

19 **CLASS DISTRIBUTIONS FOR VERIFIED CLAIMS**

20 7. On May 19, 2023, the Court issued an Order Granting Extending Deadline to  
21 Distribute Settlement Funds, ECF No. 982 (“Extension Order”), which extended the  
22 deadline to distribute Settlement Funds to the Fisher and Property Classes to July 31,  
23 2023.  
24

1 8. Per the Court’s Extension Order and, as of July 31, 2023, 528 Fisher  
2 Settlement payments totaling \$74,672,810.08 and 570 Property Settlement payments  
3 totaling \$15,921,408.90 have been issued to Verified Claimants and Designated  
4 Recipients.<sup>2</sup>

5 9. Between July 31, 2023 and April 30, 2024, 332 additional checks were issued  
6 for claims (81 Fisher; 251 Property) that had been either deficient or pending further  
7 review from Counsel but were cured and deemed Verified Claims. Settlement payments  
8 for these additional Verified Claims were issued to 81 Fisher and 251 Property Verified  
9 Claimants and Designated Recipients in the amounts of \$14,998,050.60 for the Fisher  
10 Class and \$7,596,688.97 for the Property Class.

11 10. In May and June of 2024, 136 additional Fisher Settlement payments totaling  
12 \$16,868,538.74 and 65 Property Payments totaling \$2,477,375.60 were issued to Verified  
13 Claimants and Designated Recipients for claims and corrections of deficiencies once the  
14 claims were Verified, consistent with the Court’s Status Report Order and instructions of  
15 Class Counsel.

16  
17 **LATE CLAIMS**

18 11. Per the April 3, 2024 Status Report Order, JND continued to review and  
19 evaluate late claims filed through March 29, 2024.

20 12. After the October 31, 2022 claims deadline and, as of April 1, 2024, JND  
21 received 230 late Claim Forms (142 Fisher; 88 Property).

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25 <sup>2</sup> These numbers include payments made from a single claim to multiple owners or  
26 Designated Recipients.

1 13. After the March 29, 2024 deadline and, as of July 25, 2024, JND has received  
2 11 additional late Fisher Claim Forms.

3 14. The distribution for late-filed Verified Claims without deficiencies occurred  
4 on July 3, 2024. JND conferred with Class Counsel and Plaintiffs' consultants at The  
5 Fontana Group to finalize Distribution Shares for late-filed Verified Claims.

6 15. The July 3, 2024 distribution included 102 Fisher Settlement payments  
7 totaling \$9,330,196.26 and 45 Property Settlement payments totaling \$1,544,353.73.  
8

9 **RESIDUAL FUNDS**

10 16. After issuing payments for late-filed claims, and after accounting for  
11 administrative fees and costs, JND estimates that the Settlement Fund will have  
12 \$7,395,715.15 remaining (\$4,953,636.35 in the Fisher Class fund and \$2,442,078.80 in  
13 the Property Class fund). This amount includes accrued interest totaling \$4,011,127.25  
14 (\$3,468,233.28 for the Fisher Fund and \$542,893.97 for the Property Fund) as of July 25,  
15 2024.

16 17. This amount exceeds the minimum reserve funds (\$1.8 million for the Fisher  
17 Fund and \$460,000 for the Property Fund) described in the Status Report filed on April  
18 3, 2024.

19 **NOTICES OF REJECTION**

20 18. Pursuant to the Status Report Order and, as of July 31, 2024, JND issued 265  
21 Notices of Rejection (39 Fisher; 226 Property) for timely- and late-filed claims that  
22 remained deficient as of the April 30, 2024 deadline for resolution of deficiencies already  
23 in process.  
24



1           19. The Notices of Rejection provided claimants with an explanation as to why  
2 their claims were deemed ineligible. Ineligibility reasons include: not satisfying the Class  
3 definition; failing to provide sufficient documentation to verify their claim; failing to  
4 provide proof of ownership of the license or vessel at issue for a Fisher Claim, or failing  
5 to provide proof of ownership of the parcel at issue for a Property Claim; and submitting  
6 a late claim and the full claim amount was already paid according to instructions received  
7 as part of a timely-filed claim.

8           20. Additionally, the Notices of Rejection stated that, if claimants were  
9 dissatisfied with their determination, they may provide a letter detailing the reasons for  
10 their objection, referencing any documentation previously submitted in support of their  
11 claim. The Notices of Rejection instructed claimants to mail their letters to JND by  
12 certified mail, within 30 days of the Notice of Rejection date.

13           21. As of July 31, 2024, JND has received 30 objections to Notices of Rejection  
14 (7 Fisher; 23 Property). Based on our review, and after consultation with Class Counsel,  
15 only 2 of the Property submissions provided sufficient bases to verify the underlying  
16 claims. As a consequence, JND was able to resolve two Property claims and recommends  
17 payment of those claims. After careful review, the remaining submissions do not provide  
18 sufficient information to cure the existing defects or verify the underlying claims.  
19 Descriptions of the objections to the Fisher and Property Notices of Rejection, and JND's  
20 recommendations regarding their disposition are attached hereto as **Exhibits A and B**,  
21 respectively, for the Court's review and consideration.

22           22. The total value of the rejected claims recommended for payment is  
23 \$188,953.14 for Property claimants and \$0.00 for Fisher claimants.  
24

**OBJECTIONS TO SETTLEMENT AWARD AMOUNTS**

23. As of July 31, 2024, 10 Fishers have disputed the amounts of the payments for their Settlement Claims. Because these claims were not rejected, they were not subject to the Court-approved procedures for objections to Notices of Rejection, but the Settlement Administrator and Class Counsel have reviewed all such disputes.

24. Based on the information provided by the Fishers and a review of CDFW data, all claims were correctly calculated per the terms of the Settlement and the Plan of Distribution. The disputes of 9 Fishers have been resolved after additional outreach. One Fisher provided additional materials with his objection that indicate he is entitled to a small additional Variable Share payment of \$316.83.

25. Descriptions of these disputes, and JND’s recommendations regarding their disposition, are attached as **Exhibit C**, for the Court’s review and consideration.

**ADDITIONAL LATE CLAIMS**

26. JND continues to receive communications from individuals who seek to submit Property and Fisher claims after the March 29, 2024 deadline. A list of these individuals is attached to this Declaration as **Exhibit D**. JND estimates that if such claims were accepted and considered for payment, the amount required to pay those that can be verified, based on property records and CDFW data, would not exceed the amount of residual funds available for either class.

**ADMINISTRATIVE FEES AND COSTS**

27. To date, JND has dedicated a total of approximately 12,881.33 hours (8,052.08 for the Fisher Class; 4,829.25 for the Property Class) towards evaluating and

1 verifying Claim Forms and supporting documentation; addressing any Class Member  
2 inquiries regarding the Settlement; deficiency outreach; distribution of Settlement  
3 Funds; and ongoing consultation with Counsel regarding the comprehensive claims  
4 review process.

5 28. As of July 31, 2024, \$1,461,601.43 (\$1,007,764.74 for the Fisher Class;  
6 \$453,836.69 for the Property Class) has been incurred in administrative fees and costs.

7 29. JND estimates an additional \$78,806.91 (\$62,002.72 for the Fisher Class;  
8 \$16,804.19 for the Property Class) in administrative fees and costs to complete  
9 administration of the Settlement.

10 30. Additionally, to date consultants at the Fontana Group have dedicated a total  
11 of approximately 1,043.4 hours and \$162,604.70 in fees and costs towards evaluating and  
12 calculating award amounts for Fisher Class claims.

13 31. JND will continue to administer the Settlement through all phases of  
14 Settlement Administration, as required by the Settlement Agreement, Final Approval  
15 Order, Status Report Order, and pursuant to any future Orders of this Court.

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

18 Executed on August 1, 2024 in Seattle, Washington.

19  
20   
21 \_\_\_\_\_  
22 GENEVIEVE PIERCE

# **EXHIBIT A**

## **Summary of Objections to Notice of Rejection (Fisher)**



Claim Number	Rejection Reason (Letter Type)	Rejection Date	Appeal Postmark Date	Brief Description	Recommendation
D6A8GEWMUF	Claim lacks proof of ownership of vessel that is entitled to recovery	5/10/2024	5/20/2024	Objection consists of: (1) handwritten letter; (2) vessel mortgage documents; (3) a loan disbursement record; (4) license limitation program groundfish license; (5) radio station authorization; (6) U.S. Coast Guard certificates; (7) business filing for claimant entity naming the person signing the claim form as the 100% owner of this entity; and (8) federal fisheries permit.	Deny. While the documents supplied with the appeal demonstrate ownership of the vessel, the class member did not provide confirmation of any qualified landings, nor does the CDFW data show qualified catch for this vessel. The claimants letter states: "the seasons the [vessel] had landings where [sic] 2011, 2012 and 2013," so claimant has not demonstrated that he owned the vessel or was was in operation as of 5/19/2015.
DG4KYWR5L3	Claimant is not a class member	5/3/2024	5/21/2024	Objection consists of: (1) typed letter, alleging that he worked on a vessel at the time of the Spill; (2) 1099-MISC tax filing from 2015; (3) 1099-MISC tax filing from 2013; (4) declaration in support of Fisher Claim. His original claim was for a different vessel; and (5) typed letter, purportedly from the vessel's owner, stating that the claimant was the captain of one of his vessel's. No crew claim was received.	Deny. Documentation does not demonstrate ownership of vessel at the time of the Spill. Additionally, based on a review of the claimant's fishing license ID and the CDFW data, he does not qualify as a Fisher Class Member.
D3WDRMZQ9T	Claimant failed to establish ownership of vessel	5/3/2024	5/29/2024	Objection consists of: (1) documents showing ownership of vessel two vessels and (2) documents showing authority to act on behalf of San Pedro Bait Co. On 5/29/2024, provided via email a letter authorizing discussion of his claims with his attorney. Claims for these vessels have already been paid to the vessel owner.	Deny. Although documents provided with appeal evidence joint ownership of the vessel, the vessel award was already paid. Claims previously paid to vessel owner were issued with instruction that, "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." Claimant and their attorney were referred to vessel owner for compensation.
D3WDRMZQ9T	Claimant failed to establish ownership of vessel	5/3/2024	5/29/2024	Objection consists of: (1) documents showing ownership of vessel two vessels and (2) documents showing authority to act on behalf of San Pedro Bait Co. On 5/29/2024, provided via email a letter authorizing discussion of his claims with his attorney. Claims for these vessels have already been paid to the vessel owner.	Deny. Although documents provided with appeal evidence joint ownership of the vessel, the vessel award was already paid. Claims previously paid to vessel owner were issued with instruction that, "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." Claimant and their attorney were referred to vessel owner for compensation.
DH2XTFKQMP	Claimant failed to establish ownership of vessel	5/3/2024	6/11/2024	Objection consists of providing Vessel ID in a typed letter, but this is not corroborated by any supporting documentation.	Deny. Documentation does not demonstrate ownership of vessel at the time of the Spill; Vessel ID not located in CDFW data.
D2C754R6AL	Claimant is not a class member	6/18/2024	6/26/2024	Objection consists of: (1) a copy of the rejection notice; (2) a typed letting from the claimant; (3) a custom transaction detail report that lists a series of payments to claimant over the course of several years; and (4) a business card for the vessel manager.  On 6/26/2024, claimant mailed: (1) an incomplete attestation form; and (2) handwritten letters from herself and from another Fisher, both of whom allege that this claimant is a Class Member.	Deny. Documentation does not demonstrate that claimant is a member of the Fisher Class.
N/A	Claimant is not a class member	6/18/2024	7/15/2024	Objection consists of a typed letter contesting the rejection, which lists a series of individuals or entities that claimant purports to have contacted.	Deny. Documentation does not demonstrate that claimant is a member of the Fisher Class.

# **EXHIBIT B**

## **Summary of Objections to Notice of Rejection (Property)**



Claim Number	Rejection Reason (Letter Type)	Rejection Date	Appeal Postmark Date	Brief Description	Recommendation
DFNZLT2QKW	Not Class Member	5/3/2024	5/14/2024	Objection consists of: (1) letter from claimant's Counsel, stating that parcel meets the class definition. No other documentation was provided. JND confirmed that the parcel was not included in the class list. The Los Angeles County Assessor Portal lists the parcel's use type as "Commercial." JND reached out to claimant's attorney, who stated he would have his client provide documentation showing the parcel's residential status. As of 6/26/2024, JND has received additional documents from the claimant's attorney. Documents include: (1) a parcel map; (2) various lease agreements for several tenants, which list the claimant as the landlord; and (3) a 2019 plot plan for the apartment complex.	Deny. According to the county's records, this parcel was zoned as commercial, so does not meet the Class definition.
DQVCYFHMD9	Late, Already Paid	5/3/2024	5/7/2024	Objection consists of a letter, in which claimant alleges that: they have been attempting to contact the landlord to whom payment was made, and that they filed their claim before the original 10/31/2022 claim filing deadline. However, the only copy of the claim form that JND received was provided via email on 12/19/2023. The award for this property was paid to the owner listed in the original class data on 5/22/2023.	Deny. Parcel award previously paid in full to parcel owner as the only timely verified claim received before the original October, 2022 deadline. Claimant referred to parcel owner.
DDAJ4YTFHL	Ownership not established	5/3/2024	5/16/2024	Objection consists of: (1) copy of rejection notice; (2) typed letter from claimant; (3) letter from the homeowners' association; (4) portion of the Settlement website; (5) email correspondence from the homeowners' association; (6) Covenants, Conditions and Restrictions; (7) parking stickers; (8) prior email correspondence with JND; and (9) a copy of the homeowners' associations "Extended Guest List Policy." This documentation was also provided via email on 5/16/2024.	Deny. Additional documentation does not demonstrate ownership of parcel during Class Period.
D2EGDXMN3T	Ownership not established	5/3/2024	5/16/2024	Objection consists of: (1) copy of rejection notice; (2) typed letter from claimant; (3) letter from the homeowners' association; (4) portion of the Settlement website; (5) email correspondence from the homeowners' association; (6) Covenants, Conditions and Restrictions; (7) parking stickers; (8) prior email correspondence with JND; and (9) a copy of the homeowners' associations "Extended Guest List Policy." This documentation was also provided via email on 5/16/2024.. The award for this parcel was paid to the owner listed in the original class data (the homeowners' association) on 5/22/2023.	Deny. Parcel award previously paid in full to parcel owner as the only timely verified claim received before the original October, 2022 deadline. Claimant referred to parcel owner.
DBQ26UEGXL	Ownership not established	5/3/2024	5/16/2024	Objection consists of: (1) copy of rejection notice; (2) typed letter from claimant; (3) letter from the homeowners' association; (4) portion of the Settlement website; (5) email correspondence from the homeowners' association; (6) Covenants, Conditions and Restrictions; (7) parking stickers; (8) prior email correspondence with JND; and (9) a copy of the homeowners' associations "Extended Guest List Policy." This documentation was also provided via email on 5/16/2024.. The award for this parcel was paid to the owner listed in the original class data (the homeowners' association) on 5/22/2023.	Deny. Parcel award previously paid in full to parcel owner as the only timely verified claim received before the original October, 2022 deadline. Claimant referred to parcel owner.
DGUYZFCDSX	Ownership not established	5/3/2024	5/16/2024	Objection consists of: (1) copy of rejection notice; (2) typed letter from claimant; (3) letter from the homeowners' association; (4) portion of the Settlement website; (5) email correspondence from the homeowners' association; (6) Covenants, Conditions and Restrictions; (7) parking stickers; (8) prior email correspondence with JND; and (9) a copy of the homeowners' associations "Extended Guest List Policy." This documentation was also provided via email on 5/16/2024.. The award for this parcel was paid to the owner listed in the original class data (the homeowners' association) on 5/22/2023.	Deny. Parcel award previously paid in full to parcel owner as the only timely verified claim received before the original October, 2022 deadline. Claimant referred to parcel owner.
DUMZBXL7Y	Ownership not established	5/3/2024	5/16/2024	Objection consists of: (1) copy of rejection notice; (2) typed letter from claimant; (3) letter from the homeowners' association; (4) portion of the Settlement website; (5) email correspondence from the homeowners' association; (6) Covenants, Conditions and Restrictions; (7) parking stickers; (8) prior email correspondence with JND; and (9) a copy of the homeowners' associations "Extended Guest List Policy." This documentation was also provided via email on 5/16/2024.	Deny. Additional documentation does not demonstrate ownership of parcel during Class Period.
DEC7VSWL3Y	Ownership not established, Documents insufficient	5/3/2024	5/17/2024	Objection consists of: (1) copy of rejection notice; (2) a typed letter from claimant; (3) FEMA Flood Dwelling Form Standard Policy Declaration - Renewal; (4) Institutional Loan Escrow Instructions; (5) Resource Management Agency County of Ventura Release of Noncompliance; and (6) County of Ventura Resource Management Agency Code Compliance Division "Close Out Letter" re: a release of notice of noncompliance. Objection not sent by certified mail.	Deny. Additional documentation does not demonstrate ownership of parcel during Class Period.
DLQPSX85Y9	Ownership not established	5/3/2024	5/18/2024	Objection consists of a typed letter from claimant, indicating that they previously sent a copy of their old lease agreement, that they unsuccessfully attempted to contact the property owner, and that they are requesting reconsideration of their claim. No other documentation was provided.	Deny. Documentation does not demonstrate long-term lease of parcel; previously provided lease refers to landlord who is not associated with the parcel.
DVCPN2GUZL	Ownership not established, Documents insufficient	5/3/2024	5/9/2024	Objection consists of: (1) copy of rejection notice; (2) typed letter from claimant; (3) copy of Property Class Claim Form; (4) screenshot of Class Member Look Up tool on the Settlement website; (5) typed letter from claimant re: prior deficiency notice; (6) copy of deficiency notice; and (7) California Residential Lease Agreement. The award for this parcel was paid to the owner listed in the original class data on 5/22/2023.	Deny. Parcel award previously paid in full to parcel owner as the only timely verified claim received before the original October, 2022 deadline. Claimant referred to parcel owner.



Claim Number	Rejection Reason (Letter Type)	Rejection Date	Appeal Postmark Date	Brief Description	Recommendation
DSAHFNMRUY	Ownership not established	5/3/2024	5/8/2024	Objection consists of: (1) handwritten letter from claimant; (2) Corporation Grant Deed for a different APN than what was previously claimed; (3) Fictitious Business Name Statement; (4) Secured 2023-2024 Property Tax Statement (for different property address); (5) WFG National Title Insurance Company Preliminary Report (for different APN than what was previously claimed); and (6) Montecito Water District Statement (for a different property address). Provided documents via email, which include: (1) partial screenshot of WFG National Title Insurance Company Preliminary Report; and (2) tracking information for objection. Provided an untimely objection (postmarked 6/3/2024), which contained duplicates of the initial objection and emailed docs.	Deny. Documentation does not demonstrate ownership of parcel; documentation provided with appeal does not relate to property that is the subject of the claim.
D9SJZMW2GK	Not Class Member; Ownership not established	5/3/2024	5/9/2024	Objection consists of: (1) copy of rejection notice; (2) handwritten letter from claimant, attesting to property ownership and an easement providing access to the beach; and (3) Schedules A and B of an insurance policy.	Deny. According to the county's records, this parcel was zoned as agricultural, is not a waterfront property, and was not included in the properties identified in Exhibit A to Plaintiffs' Renewed Motion (ECF 300-3, Ex. 14), so it does not meet the Class definition.
DEM4B6XA7T	Ownership not established	5/3/2024	5/20/2024	Objection consists of: (1) typed letter from claimant, indicating that he represents a partnership purporting to own the parcel; (2) email containing a Secured 2014-2015 Property Tax Statement (for the claimed APN); (3) Secured 2022-2023 Property Tax Statement (for the claimed APN); and (4) a portion of the Property Class Claim Form. No proof of authority to act on behalf of partnership provided.	Deny. Neither claim nor documents submitted with objection demonstrate that claimant has authority to act on behalf of the parcel owner(s)
PVMQJATEZ9	Ownership not established	5/3/2024	5/22/2024	Objection consists of: (1) copy of rejection notice; (2) portion of a vehicle registration document (2007); (3) portion of a Sprint phone bill (1/1/2011); and (4) portion of mortgage statement (4/2/2015). Objection not sent by certified mail.	Deny. Documentation does not demonstrate ownership of parcel.
PSLE3RABPC	Ownership not established	5/3/2024	5/29/2024	Objection consists of: (1) typed letter from claimant; and (2) 2023 Annual Secured Property Tax Bill (for the claimed APN), which indicates that property is currently owned by the claimant's family trust. Objection not sent by certified mail.	Deny. Documentation does not demonstrate ownership of parcel at the time of the Spill, or authority to act on behalf of trust entity.
DJSPTWCD35	Ownership not established	5/3/2024	5/29/2024	Objection consists of a typed letter from the claimant matching other received objections. Previously received, but untimely, deficiency response included a purported lease, but it does not contain any contact information for the landlord and the landlord identified in the lease is not the owner identified in the property records used to establish class membership.	Deny. Documentation does not demonstrate ownership of parcel.
D6QXUJ5YF8	Ownership not established	5/3/2024	6/3/2024	Objection consists of a typed letter from the claimant matching other received objections. Previously received, but untimely, deficiency response included a purported lease, but it does not contain any contact information for the landlord and the landlord identified in the lease is not the owner identified in the property records used to establish class membership.	Deny. Documentation does not demonstrate ownership of parcel.
PMQKPZNSWV	Ownership not established; not a Class Member	5/3/2024	5/30/2024	Objection consists of a typed letter from the claimant stating that they should be included despite purchasing property in 2018.	Deny. Documentation does not demonstrate ownership of parcel at the time of the Spill; claimant admits parcel was purchased in 2018.
DMSGRLRKNE4	Ownership not established	5/3/2024	6/3/2024	Objection consists of a typed letter from the claimant matching other received objections. Previously received, but untimely, deficiency response included a purported lease, but it does not contain any contact information for the landlord and the landlord identified in the lease is not the owner identified in the property records used to establish class membership.	Deny. Documentation does not demonstrate ownership of parcel.
PSLFJ74GTA	Ownership not established	5/3/2024	N/A (email dated 6/11/2024)	Claimant responded to an email request for verification and sent an email containing proof of ownership via Grant Deed dated 12/28/2020, which shows the transfer of property ownership from Howard to his LLC. Also included is a 2022 LLC Statement of Information document. Original objection postmarked after deadline and not sent by certified mail.  On 7/8/2024, claimant's attorney sent, via certified mail, additional objection documentation, including: (1) a copy of the rejection notice; (2) a typed letter from claimant's attorney; (3) Articles of Organization; (4) Operating Agreement; (5) Revocation of Trust for prior member; (6) Assignment, Substitution, and Consent for transfer of 100% membership interest; (7) Certification of the claimant's Family Trust; (8) Statement of Information LLC for LLC named after property's street address (12/2/2022); and (9) Grant Deed for property (12/31/2020), which shows that the owner listed in the class data assigned the property to the LLC named after the party's street address. This documentation was past timeliness for the 5/3/2024 rejection notice, but claimant counsel insists the remail postmark date of 6/12/2024 is the relevant date for the calculation of a response deadline.	Deny - documentation does not demonstrate ownership of parcel at the time of the Spill; claimant admits he acquired parcel in 2020.
DL3PYZR6KN	Ownership not established	5/3/2024	6/24/2024	Objection consists of a typed letter from the claimant alleging that, as the tenant of the property, they should receive the claim award in place of the property owner. Previously provided a lease that contains a duplicative mailing address for alleged landlord and tenant, and signatures for both contain similarities. Objection not sent by certified mail.	Deny. Documentation does not demonstrate ownership of parcel.
DHWZNB7XTL	Insufficient Documentation	5/3/2024	N/A	Objection consists of tax identification documentation, which cures the claim's deficiencies. Objection not sent by certified mail.	Accept. Recommend payment.
DQU8BHLDP5	Insufficient Documentation	5/3/2024	N/A (email dated 5/13/2024)	Objection consists of tax identification documentation, which cures the claim's deficiencies. Objection not sent by certified mail.	Accept. Recommend payment.



# **EXHIBIT C**

**Summary of Objections to  
Amount of Claim (Fisher)**



Claim Number	Date of Initial Outreach	Outreach Description	Response to Outreach Request	Recommendation
DQULX6WDJ2	8/6/2023	Claimant confirmed receipt of one check on 8/6/2023 and, although he stated that it was generous, he asked for a breakdown of how awards were calculated as other fishers received larger checks despite him being closer to the Spill. He indicated that the formula used to calculate awards "defys logic." Claimant alleges that individuals "hundreds of miles away, got several hundred percent increased reimbursement." We have not heard from claimant again since 2023.	Referenced the Plan of Distribution for the Fisher Class, and stated that CDFW Landing Records were used to determine the pro rata share and value of catch attributable to each vessel and fishing license based on fishing activity before and after the Spill.	Claim calculations have been reviewed and confirmed. No further response recommended.
DB5ZV2W46M	8/6/2023	Claimant confirmed receipt of one check on 8/6/2023 and, although he stated that it was generous, he asked for a breakdown of how awards were calculated as other fishers received larger checks despite him being closer to the Spill. He indicated that the formula used to calculate awards "defys logic." Claimant alleges that individuals "hundreds of miles away, got several hundred percent increased reimbursement." We have not heard from claimant again since 2023.	Referenced the Plan of Distribution for the Fisher Class, and stated that CDFW Landing Records were used to determine the pro rata share and value of catch attributable to each vessel and fishing license based on fishing activity before and after the Spill.	Claim calculations have been reviewed and confirmed. No further response recommended.
PUCAVK2ELS	5/8/2024	Claimant would like to confirm whether his position as a captain (as opposed to a crew member) on the fishing vessel was accounted for when claim awards were calculated. He is under the impression that he has been underpaid, and he has expressed a desire to dispute his claim award amount.	Referenced the Plan of Distribution for the Fisher Class, and stated that CDFW Landing Records were used to determine the pro rata share and value of catch attributable to each vessel and fishing license based on fishing activity before and after the Spill. Cited to date of claim submission and years of recovery sought, and indicated that crew claims were comprised of a Fixed Share and a Variable Share. Noted that the Plan of Distribution does not provide for the calculation of claim awards on the basis of the fisher's position or ranking on a vessel.	Claim calculations have been reviewed and confirmed. No further response recommended.
DLT4SK9HU5	5/8/2024	Claimant indicated that she would like to dispute her claim award amount, and believes that the amount she received is small in comparison to amounts awarded to other, similar business entities.	Per discussion with Counsel, claim awards for her vessel IDs were included as part of the 6/14/2024 "special claims" distribution. Light boat was misclassified as late (as opposed to a correction to a timely claim). At this time, claimant's disputes appear to have been resolved.	Claim calculations have been reviewed and confirmed. No further response recommended.
P625RKQHVV	5/7/2024	Claimant noted that he would like to dispute his claim award, as he believes that he did not receive enough. He has already been provided with general information as to the claim award calculations for the Fisher Class.	Referenced the Plan of Distribution for the Fisher Class, and stated that CDFW Landing Records were used to determine the pro rata share and value of catch attributable to each vessel and fishing license based upon fishing activity before and after the Spill. Cited to date of claim submission and years of recovery sought, and provided the general methodology used to determine claim awards for crew members.	Claim calculations have been reviewed and confirmed. No further response recommended.
PP4DM7W36V	5/13/2024	Claimant is inquiring as to why his claim award was less than other crew members on the same vessel who received over \$89,000.00, and who allegedly earned the same salary as him over the years for their work on the vessel.	Referenced the Plan of Distribution for the Fisher Class, and stated that CDFW Landing Records were used to determine the pro rata share and value of catch attributable to each vessel and fishing license based upon fishing activity before and after the Spill. Indicated that we could not discuss another party's claim with claimant for the purposes of his claim award comparison.	Claim calculations have been reviewed and confirmed. No further response recommended.
PGJYXU7HMS	5/14/2024	Claimant noted that his crew members received greater claim awards than him (allegedly, in the amounts of \$150,000.00 or \$250,000.00), and he was wondering why his Settlement payment was less than theirs.	Referenced the Plan of Distribution for the Fisher Class, and stated that CDFW Landing Records were used to determine the pro rata share and value of catch attributable to each vessel and fishing license based on fishing activity before and after the Spill. Cited to date of claim submission and years of recovery sought (claimant claimed damages for 2015-2020), and provided the general methodology used to determine claim awards for crew members.	Claim calculations have been reviewed and confirmed. No further response recommended.

Claim Number	Date of Initial Outreach	Outreach Description	Response to Outreach Request	Recommendation
PU5376JQTV	5/15/2024	Claimant inquired as to why his Settlement payments were less than someone else working on the same boat as him.	Referenced the Plan of Distribution for the Fisher Class, and stated that CDFW Landing Records were used to determine the pro rata share and value of catch attributable to each vessel and fishing license based on fishing activity before and after the Spill (claimant claimed damages for 2015-2020).	Claim calculations have been reviewed and confirmed. No further response recommended.
D7UAEZFCG3	5/20/2024	Claimant alleges that there's been an error with his payment amount based on amounts that his crewmates have received, noted that he was intending to involve his attorney, and has demanded that any notes regarding his claim be sent to him via email.	Referenced the Plan of Distribution for the Fisher Class, and stated that CDFW Landing Records were used to determine the pro rata share and value of catch attributable to each vessel and fishing license based on fishing activity before and after the Spill. Noted that the Fisher Class definition generally excludes catch of Groundfish and Highly Migratory Species and provided related methodologies used to determine damages for certain fish species. Cited to date of claim submission and years of recovery sought, and indicated that crew claims were comprised of a Fixed Share and a Variable Share. Stated that the CDFW Landing Records do not reflect any Class Catch attributed to his License ID, and noted that a small variable share of roughly \$300 was calculated using additional materials that claimant provided. Requested that claimant indicate whether this was acceptable--if so, we could issue a check and, if not, we would hold the funds until the matter is resolved.	Claim calculations have been reviewed and confirmed. CDFW data does not reflect any Class Catch attributable to claimant. Vessel for which claimant contends he worked has only a small number of qualified landings during the damage period. Recommend payment of the variable share of \$316.83 calculated, in addition to the \$5,000 payment claimant already received. No further response recommended.
P29G4QHF3B	7/29/2024	Claimant disputes the amount of his second check, which represents his variable share, and believes that it was not adequate when compared to his fish ticket submissions.	Referenced the Plan of Distribution for the Fisher Class, and indicated that Settlement payments for late claims were calculated per the terms of the Plans of Distribution and the Court's Order Regarding Deadlines and Procedures Re: Settlement Distribution to Fisher and Property Classes (issued on 4/3/2024).	Claim calculations have been reviewed and confirmed. No further response recommended.

# **EXHIBIT D**

**List of Requests to Submit  
Claim Form After March 29,  
2024 Deadline**



Name Number	Summary (Property Class)	Deficiencies
DN4EHMR5JF	General inquiry requesting a response regarding the property. Provided claim filing deadline messaging in response on 4/22/2024. No further follow up received.	No claim form submitted; proof of authority (if intent is to issue check to outreach contact's personal name).
D4BUEKMLTW	General inquiry requesting a response regarding the property. Provided claim filing deadline messaging in response on 4/22/2024. No further follow up received.	No claim form submitted; proof of authority (if intent is to issue check to outreach contact's personal name).
DATE8JBX5Q	General inquiry from potential Class Member regarding if he could file a late claim and citing he knew others who had filed late. Provided claim filing deadline messaging and explained we can not disclose information about other's claims on 5/17/2024. No further follow up received.	No claim form submitted.
D3JA2B8CTU	General inquiry from Class Member regarding noticing and late claim filing. Provided confirmation of multiple noticing attempts and late claim filing messaging on 6/26/2024. No further follow up received.	No claim form submitted.
DAW3Z7CUSQ	General inquiry from potential Class Member regarding late claim filing. Provided late claim filing messaging on 7/17/2024. Follow up received on 7/17/2024 via phone call stating they just found out about the Settlement and asked if they could file. Provided late claim filing message on 7/18/2024 with no further follow up received.	No claim form submitted; proof of authority (if intent is to issue check to outreach contact's personal name).
D39CWUE4TV	General inquiry from Class Member regarding late claim filing. Provided claim deadline and late claim filing messaging on 7/17/2024. No further follow up received. 1/3 properties referenced were already paid.	No claim form submitted for 2 APNs; 1/3 APNs referenced already paid.
DPX4ZNMA9F	General inquiry from Class Member regarding late claim filing. Provided claim deadline and late claim filing messaging on 7/17/2024. No further follow up received. 1/3 properties referenced were already paid.	No claim form submitted for 2 APNs; 1/3 APNs referenced already paid.
DKERF5MT2X	General inquiry from potential Class Member regarding late claim filing. Provided late claim filing messaging on 7/17/2024. No further follow up received. Address not identified on Oiled/Unoled spreadsheet.	No claim form submitted; APN not identified on Oiled/Unoled spreadsheet.
D8HX7E4YAN	General inquiry from Class Member regarding late claim filing. Provided late claim filing messaging on 7/17/2024. No further follow up received.	No claim form submitted.
DZQFMNPUS4	General inquiry from Class Member regarding late claim filing. Provided late claim filing messaging on 7/16/2024 and again on 7/19/2024 with the note that we're unable to discuss other party's claims after further requests to file a late claim and referencing neighbors that they believed were able to file after the late claim deadline. Contacted us via email on 7/20/2024, requesting an exception to the filing deadline.	No claim form submitted; proof of authority (if intent is to issue check to outreach contact's personal name).
DHZEM7UCFT	General inquiry from Class Member regarding late claim filing. Provided late claim filing messaging on 7/23/2024. No further follow up received. Verified APN.	No claim form submitted.



Name Number	Summary (Fisher Class)	Deficiencies
DRXJ89DSAW	General inquiry expressing interest in filing a claim on behalf of their husband. Provided claim filing deadline messaging in response on 4/29/2024. Noted that documentation of her authority to act on behalf of the Class Member's estate would be required in order to provide any additional information, but that it would not alter the deadline to file a claim. Caller indicated they understood, no further follow up received.	No claim form submitted; deceased claimant documentation; proof of authority.
D736954UZH	General inquiry from Class Member expressing interest in filing a claim. Provided claim filing deadline messaging via voicemail on 5/14/2024. No further follow up received.	No claim form submitted.
D3VCKRNGPJ	General inquiry from Class Member expressing interest in filing a claim. Provided claim filing deadline messaging via voicemail on 5/14/2024. No further follow up received.	No claim form submitted.
DDXLWTV2Y	General inquiry requesting clarification on why brother-in-law (name/CN not provided) was not notified about Settlement, and the status of own sister's claim (name/CN not provided). Caller refused to provide additional details besides her own name. Provided noticing/CDFW records/third party authorization messaging and claim filing deadline response on 5/10/2024. No further follow up received.	No claim form submitted; third-party authorization.
DQKF4MRCPG	General inquiry from potential Class Member regarding if he could file a late claim and citing he knew others who had filed late. Provided claim filing deadline messaging and explained we cannot disclose information about other's claims on 5/17/2024. No further follow up received.	Non-Class Member; Fishing License ID not located in CDFW data.
DKERF5MT2X	General inquiry from potential Class Member regarding if he could file a late claim and citing he knew others who had filed late. Provided claim filing deadline messaging and explained we can not disclose information about other's claims on 5/15/2024. They followed up stating that others also did not receive notice, we provided general noticing method information per Court messaging	Non-Class Member; Fishing License ID not located in CDFW data.
DFNJEAG62S	General inquiry from Class Member regarding late claim filing. Provided confirmation no claim was received and claim filing deadline messaging as well as noticing/CDFW class member identification messaging on 6/18/2024. No further follow up received.	No claim form submitted.
DUWGVJQ6XN	General inquiry from another Class Member on behalf of a Fisher captain, with regards to the status of a late claim for a License ID. Fisher captain is only able to use his satellite phone and has given Class Member authority to speak on his behalf. Our records do not indicate we received a claim for the Fisher captain's License ID. Provided confirmation that, while we could not locate a claim for the License ID, we would review and follow up. It is possible that the Fisher captain has inadvertently conflated the details surrounding our correspondence with him, and with the other Class Member. Additionally, we previously sent a blank, late claim form to Fisher captain's confirmed email address on 4/9/2024.	No claim form submitted.
DBJ6NDPFH8	General inquiry from potential Class Member asking if he could file a late claim because some of his friends received checks but he did not. Provided claim filing deadline messaging and explained we cannot disclose information about others' claims on 7/30/24. No further follow up received.	No claim form submitted.

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***Lead Trial Counsel***

12 ***Class Counsel***  
13 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**  
17 **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

**[PROPOSED] ORDER REGARDING  
DISTRIBUTION OF REMAINING  
FUNDS TO FISHER AND  
PROPERTY CLASSES**

Judge: Hon. Philip S. Gutierrez

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**ORDER**

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2 After consideration of Plaintiffs’ Status Report Regarding Settlement Distribution  
3 to Fisher and Property Classes, the Declaration of Genevieve Pierce on behalf of the  
4 Settlement Administrator, and related documents, and good cause appearing, IT IS  
5 HEREBY ORDERED that the Settlement Administrator is directed to:

6 1. Approve for payment two Property claims verified by the Settlement  
7 Administrator after review of the Objections to Notice of Rejected Claims, and deny  
8 all remaining Objections to the Notice of Rejected Claims;

9 2. Pay an additional Variable Claim payment of \$316.83 to claimant  
10 D7UAEZFCG3, and deny all remaining objections to the amounts of claim awards;

11 3. Accept submission, within 30 days of the date of this Order, of late  
12 claims from those who, on or before August 1, 2024, have requested permission to  
13 submit them (“New Late Claims”);

14 4. Pay New Late Claims that can be validated by the Settlement  
15 Administrator, based on the claim submissions and review of property records or  
16 landings records provided by the California Department of Fish and Wildlife for this  
17 purpose (“CDFW data”), as applicable;

18 5. Pay a Supplemental Distribution to all Verified Claimants in each  
19 Class, on a pro rata basis, from the funds remaining available for distribution to  
20 members of each respective Class;

21 6. Escheat, to the state of the claimant’s residence or last known address,  
22 the amounts of any settlement checks that have not been cashed as of January 31,  
23 2025, or 180 days after issuance, whichever is later;

24 7. Payment of \$1,461,601.43 to the Settlement Administrator and  
25 \$162,604.70 to the Fontana Group for administrative fees and costs incurred to date;





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**CERTIFICATE OF SERVICE**

I, Juli Farris, hereby certify that on August 1, 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.