

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

IN RE: GLACIER BAY v. _____

THE HONORABLE H. RUSSEL HOLLAND CASE NO. A88-115 Civil

Deputy Clerk

Reporter/Recorder

X Tracy Royce _____

APPEARANCES: PLAINTIFF: -----

DEFENDANT: -----

PROCEEDINGS: ORDER FROM CHAMBERS

Oral argument on 1) Trinidad, etc. motion to dismiss claims of tenders, etc., 2) TAPL's motion to dismiss claims of tenders, etc., 3) TAPL's motion to dismiss plaintiff's request re: attorney fees, and 4) all plaintiff's phase I motions re: scope of damages will be heard before Judge Holland on Thursday, August 23, 1990, at 1:30 p.m., in Courtroom 2, at Anchorage, Alaska.

cc: D. Serdahely
D. Ruskin
L. Miller

cc: D. Ruskin
B. O'Neill
M. Woodell
R. Underhill

DATED: May 4, 1990

INITIALS: TR
Deputy Clerk

415

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

IN RE: GLACIER BAY

THE HONORABLE H. RUSSEL HOLLAND CASE NO. A88-115 Civil

Deputy Clerk
Tracy Royce

APPEARANCES: PLAINTIFF: ----
DEFENDANT: ----

PROCEEDINGS: ORDER FROM CHAMBERS

Parties participating in oral argument on 1) Trinidad's motion to dismiss claims of tenders, etc., 2) TAPL Fund's motion to dismiss claims of tenders, etc., 3) TAPL Fund's motion to dismiss plaintiffs' request re: attorney fees, and 4) all plaintiffs' phase 1 motions re: scope of damages, scheduled for August 23, 1990, will observe the following time limits: plaintiffs' argument--20 minutes, all defendants' argument--30 minutes (total), plaintiffs' rebuttal--10 minutes. Defendants may reserve 10 minutes of their 30 minutes for rebuttal.

Because of similar motions regarding the application of Robins Dry Dock which have been filed in In re the EXXON VALDEZ, A89-095 Civil, the court has ample argument on this issue. Parties are encouraged to focus their oral argument on the other issues addressed in the motions being heard.

DATED: August 8, 1990 DEPUTY CLERK'S INITIALS: TR

CF-1

cc: M. Woodell, R. Underhill, B. O'Neill, B. Ruskin

447

FILED

Michael H. Woodell
Bradbury, Bliss & Riordan
431 West Seventh Avenue, Suite 201
Anchorage, AK 99501
(907) 278-4511

AUG 21 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Lawyers for Defendants Trinidad, West,
Hawker, Kee, Mathiasen's and GBTC

By pkc Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

In re)
)
the GLACIER BAY) No. A88-115 Civil
) (Consolidated)
)

RE: All actions

**NOTICE OF FILING SUPPLEMENTAL AUTHORITY IN
SUPPORT OF DEFENDANTS' MOTIONS TO DISMISS
CLAIMS OF TENDERS, FISH BUYERS, FISH SPOTTERS,
FISH PROCESSORS, AND OTHER SHORESIDE BUSINESSES**

Defendants give notice of a recent decision of the United States District Court for the Central District of California in Benefiel v. Exxon Corp., et al., Case No. CV90-2184RG(Ex) (July 27, 1990). A copy of the decision, which is relevant to pending motions to dismiss scheduled for oral argument in this case on August 23, 1990, is appended hereto.

Benefiel involved economic loss claims arising out of the grounding of the EXXON VALDEZ. The district court granted defendants' Fed. R. Civ. P. 12(b)(6) motions to dismiss the

plaintiffs' complaint for failure to state a claim, citing the maritime law rule of Robins Dry Dock & Repair Co. v. Flint, 275 U.S. 303 (1927), that there can be no recovery for economic loss absent physical injury. The court also held that section 204(c) of the Trans-Alaska Pipeline Authorization Act, 43 U.S.C. § 1653(c), incorporated the maritime law rule of Robins Dry Dock.

DATED this 21st day of August, 1990 at Anchorage, Alaska.

BRADBURY, BLISS & RIORDAN
Lawyers for Defendants
Trinidad, West, Hawker, Kee,
Mathiasen's and GBTC

By: Jean E. Kizer
Jean E. Kizer

I HEREBY CERTIFY that service of the NOTICE OF FILING SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANTS' MOTIONS TO DISMISS CLAIMS OF TENDERS, FISH BUYERS, FISH SPOTTERS, FISH PROCESSORS, AND OTHER SHORESIDE BUSINESSES has been made this 21st day of August, 1990, upon all counsel of record based upon the Master Service List of July 11, 1990.

Violet M. Drew

Violet M. Drew
Secretary to Jean E. Kizer

JEK/vmd
581-4\Supp-2

BRADBURY, BLISS
& RIORDAN
LAWYERS
431 W. 7TH AVE., SUITE 201
ANCHORAGE, ALASKA
99501-3583
(907) 278-4511
FAX: (907) 279-6211

Peter A. Galbraith
GALBRAITH & OWEN, P.C.
1407 West 31st Avenue, Suite 700
Anchorage, Alaska 99503
(907) 276-4883
Attorneys for Cook Inlet Processing, Inc.

FILED

AUG 23 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By flh Dep

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In re
the GLACIER BAY

No. A88-115 Civil
(Consolidated)

CA11 cases

Boonville

AFFIDAVIT OF PATRICIA M. HARDINA

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

COMES NOW Patricia M. Hardina, first being duly sworn,
and upon her oath hereby states as follows:

1. My name is Patricia M. Hardina. I am controller
of Cook Inlet Processing, a plaintiff in this action. I have
personal knowledge of the matters set forth herein.

2. In February, 1988, Northern Adjusters, Inc. paid
Cook Inlet Processing \$800.00 for 500 pounds of oiled red salmon
at \$1.60 per pound.

3. Attached as Exhibit 1 is a copy of Check No. 1222 dated February 15, 1988 from Northern Adjusters, Inc. ITF West of England in the amount of \$800.00.

4. Attached as Exhibit 2 is a copy of the attachment to Check No. 1222 received from Northern Adjusters, Inc. at that time referring to the delivery of 500 pounds of red salmon on July 15, 1987 at 9:32 p.m.

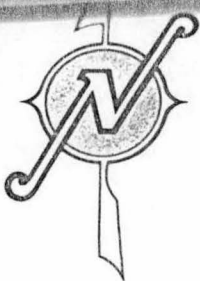
Further your affiant sayeth naught.

DATED this 22nd day of August, 1990.

Patricia M. Hardina
PATRICIA M. HARDINA

Subscribed and Sworn to before me this 22nd day of August, 1990.

Kathy Roeder
Notary Public for Alaska
My Commission Expires: June 30, 1993



Northern Adjusters

INCORPORATED

P.O. Box 536
Kenai, Alaska 99611
(907) 283-4462

REID H. SM
Pres

LARRY A. STAI
Senior Vice Pres

HOME OFF
Anchorage, Al

Received of Cook Inlet Processing
500 # pounds of red fish.

Larry A. Stai
Larry A. Stai

Date 7/15/87
9:32 PM

$500 \# @ 160 = 800 \#$

(Cook Inlet Processing)
Box 8163
Nikolski -

Pat
776-8176



ANCHORAGE, ALASKA 99508

89-5/1252

Feb. 15

1988

PAY EIGHT HUNDRED AND NO/100 - - - - - DOLLARS \$ 800.00

TO
THE
ORDER
OFCook Inlet Processing
Box 8163
Nikiski, AK 99635

⑈00001222⑈⑈125200057⑈ 25⑈394061⑈

*JW Tubodan*NORTHERN ADJUSTERS, INC.
ITF WEST OF ENGLAND

STUB 1

DATE	DESCRIPTION	AMOUNT
2/15/88	500# fish at \$1.60 a pd. D/L - 7/15/87	800.00

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED ABOVE*code to sockey sale on c/r Thanks!*

IN RE: GLACIER BAY

vs

THE HONORABLE H. RUSSEL HOLLAND

CASE NO. A88-115 CV

DEPUTY CLERK: PATTY DEMETER

REPORTER/RECORDER: PATTY DEMETER

APPEARANCES: FOR PLAINTIFF: BRIAN B. O'NEILL

FOR DEFENDANT: JEAN KIZER

HERBERT H. RAY JR.

LAWRENCE A. WAKS

A. STEPHEN HUT JR.

BARBARA HOLLAND

PROCEEDINGS: ORAL ARGUMENT ON 1) DEFENDANTS' TRINIDAD, ETC., MOTION TO DISMISS CLAIMS OF TENDERS, ETC., 2 & 3) DEFENDANT TRANS-AK PIPELINE LIABILITY MOTION TO DISMISS CLAIMS OF TENDERS AND PROCESSORS AND TO DISMISS PLAINTIFFS' REQUEST RE: ATTORNEY FEES, AND 4) ALL PLAINTIFFS' PHASE 1 MOTIONS RE: SCOPE OF DAMAGES

At 1:35 p.m. court convened.

Court and counsel heard.

Counsel to meet in chambers 45 minutes after in court proceedings end re scheduling.

Matter under advisement. Court will hold decision until after similar arguments on similar issues have been heard in the Exxon case.

At 2:45 p.m. court Adjourned.

DATE: August 23, 1990

DEPUTY CLERK'S INITIALS: PLD

C.F. No. 1a

456

FILED

AUG 24 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In re
the GLACIER BAY

No. A88-115 Civil
(Consolidated)

O R D E R

Status Conference - Trial Set

A status conference was held in this case on August 23, 1990, following oral argument on plaintiffs' Phase I motions and various defendants' motions to dismiss.

It appears that discovery is proceeding satisfactorily. It appears to the court that the parties should be successful in completing all but expert witness discovery by October 15, 1990. Counsel shall confer with one another and provide the court with a final update on precisely when they project having all discov-

1 ery completed. Should it develop that there are any remaining
2 disagreements with respect to the completion of discovery, they
3 shall be submitted to the court by means of a brief, joint memo-
4 randum from liaison counsel so that the court may resolve the
5 same.

6 Trial of the first agreed-upon group of plaintiffs is
7 herewith scheduled to commence on April 8, 1991. Counsel are
8 advised that this setting is a "back-up" case for a previously
9 scheduled trial in United States v. Exxon Corp., No. A90-015 Cr.
10 The court will endeavor to keep the parties posted as to the
11 status of this trial date. It is contemplated that, should the
12 Exxon case go to trial, the first trial in this case will be
13 rescheduled for the first available time after the completion of
14 the Exxon trial. The court expects to make a maximum effort to
15 keep time available on its calendar for the first trial in this
16 case, should it need to be rescheduled, sometime between April
17 and the middle of June, 1991; and counsel and their respective
18 parties are expected to do the same.

19 In anticipation of the initial trial in this case,
20 counsel shall confer with one another and provide the court with
21 a draft pre-trial order on or before October 1, 1990.

22 DATED at Anchorage, Alaska, this 24 day of August,
23 1990.

24 cc: ~~Jury Clerk~~
~~Judge Holland (3)~~
~~D. Ruskin~~
25 ~~M. Woodell (BRADBURY)~~
~~B. O'Neill~~
26 ~~R. Underhill~~


United States District Judge

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

AUG 3 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

By ffe Deputy

In re)
the GLACIER BAY) No. A88-115 Civil
) (Consolidated)
)
_____)

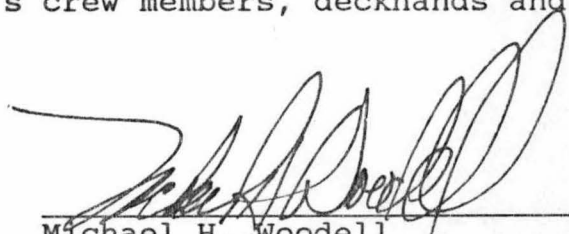
OFFERS OF JUDGMENT

TO: Brian B. O'Neill, Esq.
Faegre & Benson
2200 Norwest Center
90 South 7th Street
Minneapolis, Minnesota 55402-3901

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants Trinidad Corporation, The West of England Ship Owners Mutual Insurance Association (Luxembourg), Standard Oil Company, and the Trans-Alaska Pipeline Liability Fund, offer to allow judgments to be taken against them for each plaintiff identified and in the amounts indicated on the attached Schedule. (The offers listed in the Schedule are identical to Offers of Judgment dated July 13, 1990 made to the listed individuals. By agreement of counsel, the Offers of Judgment have been renewed through the attached list, rather than by individual printed Offers of Judgment.)

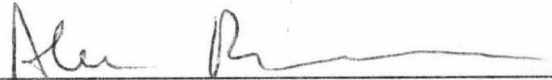
Pursuant to Rule 68 of the Federal Rules of Civil Procedure and the First Summary Amendment to the Second Consolidated Complaint, acceptance by any plaintiff of a judgment offered herein shall extinguish and be in full satisfaction of all claims

against all defendants in all phases of this litigation (including interest and costs (including any attorneys' fees allowable as costs) accrued to the date hereof), made by such plaintiff on such plaintiff's own behalf, on behalf of other permit holders who are involved jointly in such plaintiff's fishing business and/or permitted operations and/or vessel, and on behalf of such plaintiff's crew members, deckhands and employees.



Michael H. Woodell
BRADBURY, BLISS & RIORDAN
431 West 7th Ave., Suite 201
Anchorage, Alaska 99501
(907) 278-4511

Attorney for Trinidad
Corporation and The West of
England Ship Owners Mutual
Insurance Association
(Luxembourg)



James Robertson
A. Stephen Hut, Jr.
Alan N. Braverman
Jane C. Sherburne
WILMER, CUTLER & PICKERING
2445 M Street, N.W.
Washington, D.C. 20037-1420
(202) 663-6000

Attorneys for The Trans-
Alaska Pipeline Liability Fund

Marcia R. Davis
for Gary J. Strauss
GARVEY, SCHUBERT & BARER
1011 Western Avenue, 10th Flr.
Seattle, Washington 98104-1023
(206) 464-3939

Attorney for Standard Oil
Company

OFFERS OF JUDGMENT
FAEGRE & BENSON -- DRIFT FISHERMEN CLIENTS

<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>	<i>Offer</i>
ADAMS	HARLEY		\$28,750
ADAMS	WAYNE		25,000
ALBRIGHT	EDWARD	L.	20,600
ALEXANDER	GARY		25,300
ALLISON	BRIAN	E.	36,000
/ ANDERSON	ERIK	B.	27,650
/ ARBLOVSKY	STACY		27,950
ASK	ERIK		21,550
ASK	KJARTAN		20,450
/ BACKMAN	ROBERT	W.	30,650
BAILEY	KLONDYS "MIKE"		23,350
BAJOCICH	MARTIN		17,450
BAJOCICH, JR.	ALBERT	M.	17,750
BAKER	SAM		25,700
/ BALL	GEORGE	K.	28,800
/ BARNETT	LANCE	E.	32,400
/ BARR	JAMES	A.	17,050
/ BASARGIN	STEFAN	F.	23,350
BEATY	GARY	P.	22,400
BECK	DAVID	T.	27,900
/ BEJAUL	DONALD		30,100

		Middle Initial	Offer
/ BELLAMY	ANNETTE	E.	35,350
BENDER	BERT		33,750
BENNETT	JOSEPH	H.	43,000
BENWARD	ROY	E.	19,100
BERG	ARNE		27,350
/ BERG	GUNNAR	K.	30,750
/ BERG	ROBERT	O.	25,450
/ BERNHARDSON	GARY		26,550
BILBEN	STEVE	W.	36,400
/ BILLOTTE	LEONARD		21,050
BLAKE	JAMES	A.	30,550
/ BLAKE	WILLIAM		29,800
BLEVINS	FREDDIE		33,850
BOGARD	ROBIN		25,200
BOSSERT	DONALD	L.	31,900
BOWEN	KENT		30,100
BRIDGES	DONALD	E.	28,350
BRINDLEY	JAMES	S.	25,850
BRISTOW	BERT		16,250
BROCKEL	JOHN		23,250
/ BUCKMEIER	DARRELL		24,350
/ BUCKMEIER	TIM	J.	25,850
CAHILL	CYNDI	L.	30,250
/ CARLSON	CARL	J.	23,950

		Initial	Offer
CARLSON	DONALD	E.	24,900
/ CARLSON	JAMES	W.	26,150
/ CARR	MARK	S.	32,750
/ CARTER	CHARLES		25,250
/ CHAMBERLAIN	DENNIS		35,350
CHAPMAN	BRYAN		25,450
CHESSIK	NORBERT		23,050
CHEZIK	CHARLES	W.	28,700
/ CHILMAN	GILBERT		32,050
CHOATE	WILLIAM		24,750
CLARK	LESLIE	E.	28,900
/ CLARK	LOUIS	L.	19,400
CLARK	STEVEN	E.	30,400
/ CLAUSEN	DANIEL	F.	26,700
CLENDENEN	TONY		27,000
CLOUSTON	GEORGE		28,500
CLUTTER	ROBERT	P.	24,200
/ COCKLIN	DALE		27,000
/ COLEMAN	STAN	A.	21,850
COLLINS	JAMES	B.	32,150
COLLMAN	RONALD	C.	20,100
/ COLVIN	LESLIE	A.	24,400
CONKLIN	LARRY		32,300
CONNOR	GEORGE	A.	20,900

Last Name	First Name	Middle Initial	Offer
COOK	JOSEPH		22,350
COOPER, SR.	DAVID		21,750
CORREIA	ROBERT		34,500
CORREIA	TONY	J.	27,650
COWAN	LORI		26,600
COX	RONALD	J.	26,150
CRABAUGH	CHARLES		23,250
CRANDALL	DENNIS	R.	24,450
DAHL	CHESTER	M.	26,800
DAHL	STANLEY	M.	23,350
DAHLAGER	MICHAEL	C.	18,750
DALE	KAREN		31,850
DAVIS	WILLIAM	R.	20,900
DAVIS, SR.	LLOYD	W.	21,050
DEARING	LORIE	B.	24,650
DEMIDOFF	CECIL		25,350
DEMYAN	THOMAS	A.	20,450
DEROSSITT	FRANCIS	K.	21,150
DESAUTEL	RICHARD		25,400
DESHONG	MARION		29,450
DICKENSON	WALTER	R.	32,900
DICKERSON	DAVID		25,300
DICKERSON	JOHN		30,450

	First Name	Middle Initial	Offer
DITTRICK	JOSEPH	A.	33,050
DIXON	PATRICK	S.	30,000
DOLAN	ROBERT	C.	20,750
DOLES	GARY	E.	22,900
DOUMIT	MARK	L.	25,850
DUFFUS	KENNETH		29,500
DUFFY	KEVIN		30,150
DUNCAN	GAIL		28,850
DUNCAN	JACK	N.	37,100
DUNCAN	KELLY		35,600
EDWARDS	GERALD	K.	24,400
EFTA	JOHN		23,450
EFTA	LEONARD		22,950
ENGEBRETSEN	ALLEN		28,850
ERNST	RANDOLPH		24,100
ESS	CHRISTOPHER		41,400
EVENSON	DANIEL	E.	22,000
EVENSON	THOR		33,500
EVERY	CHRIS		30,600
EVERY	GARY		27,650
EVERY	WILLIAM	J.	41,500
FARNSWORTH	THEODORE	M.	30,150
FINDLEY	BRENT		31,100
FINDLEY	KEITH		29,100

		Initial Initial	Offer
FINUCANE	WILLIAM	P.	22,750
FLYNN	DAN	T.	38,300
FLYNN	DAVID	-	30,450
FLYNN	HOWARD		28,400
FORSBERG	RODNEY	K.	17,900
FREEMAN	CARLOS		18,150
GABRYS	BRUCE		33,200
GARCIA	CHRIS		34,950
GARNAND	BOB		28,000
GARRISON	CLARK		37,700
GARROUTTE	DANNIE	W.	31,250
GARROUTTE	GARY	D.	33,300
GENTLES	LARRY		29,150
GINES	FERREL		22,950
GINSBURG	JOHN		21,950
GOGGIA	DAVID		26,200
GORDON	GEORGE		34,800
GOULDING	JOHN		27,650
GRAVELLE	STEVE		27,400
GREEN	JERRY		25,250
GRIMES	KENNETH	C.	43,600
GROESSE	PAUL		20,600
GUNDERSON, JR.	WILLIAM	F.	30,450
GUNLOGSON	RICHARD	W.	27,450

LAST NAME	First Name	Middle Initial	Offer
HAAKENSON	KENNETH	P.	22,000
HADDOCK	DAWN	M.	40,700
HAGGREN	HERMAN	.	27,250
HAGGREN	JOSEPH	M.	39,750
HAKKINEN	DANIEL		25,700
HALEY	GENE		20,100
HALL	CLINT		35,950
HALL	LARRY	J.	25,600
HALPIN	KEN		30,200
HAMILTON	PATTI	L.	19,900
HANKIN	EDWARD	W.	43,950
HANSEN	HOWARD		19,350
HANSEN, JR.	STEPHEN	E.	32,650
HANSEN, SR.	STEPHEN	E.	16,050
HANSON	DONALD	S.	17,550
HANSON	ROBERT		26,100
HANSON	THOMAS	M.	23,800
HARBENSKI	BRUCE	A.	24,950
HARRIS	ROGER	B.	26,000
HARTLEY	ROBERT	G.	22,200
HATTEN	JACK		22,050
HATTEN	JERRY		31,400
HATTEN	MIKE		24,150
HAUTANEN	NELSON		22,500

Last Name	First Name	Middle Initial	Offer
HAYERTZ	DAVID	A.	25,800
HENDERSON	CHARLES	G.	32,000
HERMON	GEORGE	D.	22,900
HERRICK	JOHN	B.	22,200
HEUKER	MIKE	B.	40,700
HILTON	ARTHUR	V.	25,050
HOGAN	KEVIN		26,850
HOLLAND	MARVIN		18,750
HOLMAN	JOHN	W.	17,950
HOLT	WILLIAM		29,850
HORNE	DAVID		29,250
HOYT, III	ROY	E.	32,850
HUEBSCH	ERIK		28,100
HUEY	JOHN		37,450
HUGHES	JACK	T.	26,850
HUHNDOFF, JR.	STANLEY		25,050
HULIEN	DAVID	F.	30,200
HUME	WILLIAM		36,200
HUTSON	WILLARD		30,700
IHANDER	ALBIN	E.	24,800
IHANDER	MARK	L.	22,950
IRWIN	JEB	E.	32,650
JACKINSKY	GARY		31,200
JACKINSKY	GEORGE		21,200

		Initial	Offer
JACKSON	WAYNE		24,800
JAMES	STEVE		21,400
JENSEN	T.	A.	20,000
JOHANSEN	ALEX "IKE"	"	18,850
JOHNSON	CRAIG		26,350
JOHNSON	EDWARD	R.	18,450
JOHNSON	MICHAEL		24,100
JOHNSON	RONALD		31,750
JOKI	ROBERT	W.	10,600
JOLLY	JOSEPH	B.	24,650
JONES	FRANK	C.	15,700
JONES	JOHN	E.	20,650
JONES	PAUL	E.	22,200
JONES	TERRE		21,800
KARI	EARL		24,650
KAYSER	DOUG		36,300
KELSCH	JOHN		16,650
KEMPF	CHRIS		35,850
KEOHANE	LAWRENCE	T.	29,900
KEOHANE	PAULA		35,850
KEOHANE	TIMOTHY		31,100
KING	GERALD		23,150
KING	RICHARD	E.	30,550
KINSEY	JON	D.	31,200

		Initial	Offer
KIRKHAM	JOHN	H.	23,250
KIRSCH	RONALD		23,000
KLINGLER	GENE	.	26,350
KLINKER	THOMAS	R.	19,600
KOOISTRA	JOHN		28,550
KORPELA	ELDON		25,750
KURTH	STEPHEN	D.	24,850
KUZMIN	GEORGE		23,900
LAMM	DAVID		20,000
LANCASHIRE	LAWRENCE		17,500
LANDE	CLARENCE		33,650
LANGDON	PATRICK		25,400
LARSON	RONALD	K.	30,150
LASHLEY	TED		54,100
LAWRENCE	MATTHEW		22,200
LENTZ	ERVIN	W.	15,900
LEUTHE	CRAIG	B.	19,800
LEUTHE	DAVID	A.	20,200
LEWIS	DONALD		23,100
LEWIS	JOSHUA	C.	19,650
LEWIS	NICKY	D.	22,750
LINDERMAN	JAMES	E.	25,950
LINDOW	ANTHONY		31,650
LINDOW	ERIK		30,350

		Initial	Offer
LINDOW	THOMAS	D.	26,450
LINDOW	WILLIAM		22,600
LINTS	PAUL		31,050
LITTLE	JOHN		39,550
LOCKWOOD	WILLIAM	T.	22,950
LORAN	KEVIN		21,400
LUNDQUIST	GEORGE		31,450
MAHAN	DANIEL		38,700
MAHAN	MARK	E.	31,750
MAHAN	TERRY		24,550
MALONE	ALVIN		18,550
MAPES	NORMAN		20,050
MARTIN	DANIEL	M.	20,950
MARTIN	DAVID		35,400
MARTIN	JOHN	W.	34,150
MARTIN	LEE		27,500
MATTHEWS, JR.	THEO	M.	27,750
MAW	ROLAND	R.	38,750
MCCOLLUM	TROY		26,100
MCCOMBS	JOHN	D.	25,200
MCDONALD	MIKE		37,450
MCGAHAN	RICHARD		34,550
MCGAHAN	TERRY	R.	40,550
MCGEE	JIM DONALD		18,750

		Initial	Offer
MCLEOD	WILLIAM		25,500
MCMAHAN	HARLEY		21,450
MEEHAN	RONALD	J.	34,750
MEESIS	JAMES		24,500
MERCURIO	COSMO	J.	44,950
MEREDITH	LES		20,700
METHIESON	ELMER		26,000
METZ	HOWARD		17,750
MEYER	LAWRENCE		24,200
MIKA	RONALD	A.	23,900
MILLER	BRIAN		23,650
MILLETT	RICHARD	L.	28,600
MOIR	MONTE		24,200
MONROE	THOMAS		22,600
MORRIS	RALPH MILLEDGE		25,600
MULLEN	EILEEN		24,750
MULLEN	FRANCIS		26,900
MULLIN	MARTIN		25,700
MUNNS	JOHN	P.	31,100
MURRAY	JERE		23,950
MURRAY	RUFUS LYNN		24,350
MYERS	BARRY		21,400
MYERS	EARL	G.	34,850
MYERS	TERRY		26,300

		Initial	Offer
NAKADA	MIKE		34,700
NASH	CARLETON	E.	31,900
NASH	DAVID EDWARD		30,400
NASH	PAUL		32,500
NELSON	RONALD		19,500
NEWTON	FRANK		32,950
NICKEL	WANDA		27,800
NIEMI	GEORGE		20,550
NIEMI	HANK		34,450
NIEMI	SUE		31,600
NOBLE	JOHN		24,850
NORMAN	MARTIN		23,000
OLDFORD	WALTER		26,000
OLDHAM	RICHARD	C.	24,000
OLSGARD	DALE	M.	23,400
OSTERVOLD	JOHN		24,350
OSTLING	ANTON	J.	18,200
OSTLING	DONALD		23,500
OSTLING	LEO	R.	23,200
OSTLING	STEPHEN	H.	31,450
O'NEIL	ANDREW	J.	21,300
PAGE	WALTER	S.	33,300
PANCRATZ	MATT		26,100
PARKISON	RUSSELL		22,300

		Initial	Offer
PEDERSEN	ARTHUR	G.	26,950
PEDERSEN	RAY		32,400
PERKINS	GREGORY	R.	36,800
PERONE	GIAMBATTISTA		19,900
PERSON	WARD		26,550
PESCHEL	GARY		28,850
PETERSON	FRED		16,300
PHILLIPS	ARNOLD		23,950
PINNOW	HANS		18,100
PLEVKA, JR.	EDWARD		15,000
PONN	LARRY	E.	37,750
PORTER	JOAN	M.	24,400
PORTER	ROBERT "WILLY"		30,600
PORTER, SR.	MORRIS	L.	27,450
POWELL	RENEE		44,250
PRENTICE	KEVIN		23,000
PUGH	DON	R.	21,100
PUGH	DON	L.	22,550
QUASHNICK	DAVID	C.	39,900
QUASHNICK	RICHARD		43,400
RAINWATER	MIKE		25,650
RANGUETTE	LESLIE		23,200
RANGUETTE	MICHAEL		34,900
RATE	JOHN		32,600

		Initial	Offer
RAYMOND	PAUL	D.	35,950
REITH	ARTHUR	D.	23,250
REUTOV	MIHEY		27,300
RICKETTS	LEE		17,650
ROBERTS	JERRY	G.	33,950
ROGERS	JERRY		30,950
ROOT	RALPH		21,250
RUDEK	DENNIS		19,050
RUSSELL	MICHAEL	L.	26,200
RUSSELL	RONALD	E.	17,350
RUST	RONALD	R.	35,150
SADLER	THEODORE	K.	22,900
SEATER	KRISTI		16,850
SEATER	ROBERT		19,300
SEATER	RON		22,050
SEE	CHARLES		34,800
SEIMS	GARY	A.	44,100
SELF	RICHARD		28,650
SEWARD	WILEY		22,700
SHOWALTER	JAMES		28,550
SHROY	BRENT	A.	47,850
SMITH, JR.	DANIEL	A.	24,100
SMITH, SR.	DANIEL	A.	24,200
SMITH	GREG	D.	18,000

		Initial	Offer
SMITH	WILLIAM	R.	25,500
SNYDER	JEFF	D.	19,050
SOMERS	DALE		25,850
SPARLIN, JR.	DREW		42,300
SPARLIN, SR.	RAMON DREW		31,750
SQUIRES	ALONZA		22,500
SQUIRES	DAVID	S.	22,700
SQUIRES	PHIL	A.	18,300
STENSLAND	GARRY	L.	30,550
STENSLAND	KIRSTEN		17,800
STENSLAND	LAWRENCE ALLEN		20,300
STENSLAND	RONALD	L.	24,750
STENSLAND, JR.	WALTER	A.	24,300
STEPHAN, JR.	DANIEL	L.	16,100
STEPHAN, SR.	DANIEL	J.	21,850
STIER	RIDGLEY	P.	40,550
STOOP	RICHARD		24,050
STURMAN	FRED		23,500
ST. PETER	JAMES		25,400
SUBLETT	REUBEN	C.	21,150
SULLIVAN, JR.	WILLIAM	B.	29,900
SWAN	VAN		32,200
SWANSON	LOUIS	C.	29,700
TAKALO	ALAN	W.	27,050

		Initial	Offer
TAURIAINEN	ARTHUR		29,350
TAURIAINEN	RICHARD		23,200
TELEN	LARRY	R.	20,850
TEMPLE	LONNIE	H.	23,150
TEMPLE	TOM	W.	38,350
TEPP	ROBERT		38,050
THOMPSON	ERIC		36,200
THOMPSON	JOSEPH	L.	23,600
THOMPSON	TOK	F.	23,650
THORNTON	DAVID		25,300
TILLION	MARJORIE	E.	21,700
TODD	LELAND		23,900
TOSTE	RAY	M.	31,750
TOWNSEND	FRANK BYRON		24,650
TRAXINGER	PAUL	V.	28,650
TRAXINGER	SANDRA		27,850
TRESSLER	FORREST		42,750
TRESSLER	GREG		33,250
TULLOS	GERRY	S.	37,200
TVENSTRUP	STEVE		30,500
VAN DEVERE, III	L. DYER		34,950
VANEK	STEVE		33,500
VINCENT	DAVID	L.	24,900
WADE	DAVID	A.	28,300

		Initial	
WADE	JOHN	L.	26,300
WADE	RICHARD	A.	26,750
WALLI	ERO	S.	27,100
WARNER	ROBERT	A.	30,950
WEBB	STEPHEN		41,650
WEGDAHL	ROBERT		24,250
WEGDAHL	ROCHNE		25,050
WELLS	JAMES	R.	32,450
WELLS	JASON	R.	23,050
WESTERHOLM	GERALD	R.	24,400
WESTERLUND	DOUG	E.	34,650
WESTERN	BRENT	M.	29,300
WESTERN	TONY	B.	22,500
WETZEL	CARROLL		22,000
WHITE	ARTHUR	E.	22,550
WHITE	JAMES	A.	24,600
WIDMAN	JOANNE	B.	17,700
WIDMAN	JOSEPH	G.	24,800
WIK	HAROLD	L.	34,050
WIK	SHANE		22,600
WIKI	LEROY	J.	24,200
WILSON	JAMES		34,650
WILSON	WAYNE	D.	28,050
WINN	DAN		22,600

		Initial	Office
WITMAN	ROBERT	H.	24,800
WOLFE	ROBERT		34,000
WOOD	ELWYN	D.	40,550
WOOD	KENNETH	C.	24,550
WOOD	NORMAN		29,200
WOOD	SCOTT	D.	27,750
WRIGHT	SETH		23,150
WULLGER	MIKE		20,850
WYDRA	JERRY	D.	27,950
ZIMMERMAN	MARC		44,950

AFFIDAVIT OF SERVICE BY MAIL

State of Minnesota)
) ss.
County of Hennepin)

Lori Timm of the City of Minneapolis, County of Hennepin, State of Minnesota, being duly sworn, says that on the 29th day of August, 1990, she hereby served by mail upon all defendants a copy of the original

- 1) **ACCEPTANCE OF THE OFFER OF JUDGMENT SERVED AUGUST 21, 1990, OF DEFENDANTS TRINIDAD CORPORATION, THE WEST OF ENGLAND SHIP OWNERS MUTUAL INSURANCE ASSOCIATION (LUXEMBOURG), STANDARD OIL COMPANY, AND THE TRANS-ALASKA PIPELINE LIABILITY FUND FOR THE FOLLOWING NAMED PLAINTIFFS:**

Erik B. Anderson
Stacy Arbelovsky
Robert W. Backman
George Ball
Lance E. Barnett
James A. Barr
Stefan F. Basargin
Donald Bejaul
Annette E. Bellamy
Gunnar K. Berg
Robert O. Berg
Gary Bernhardson
Leonard Billotte
William Blake
Darrell Buckmeier
Tim Buckmeier
Carl J. Carlson
James W. Carlson
Mark S. Carr
Charles Carter
Dennis Chamberlain
Gilbert Chilman
Louis L. Clark
Daniel F. Clausen
Dale Cocklin
Stan A. Coleman
Leslie A. Colvin
David Cooper, Sr.
Lori Cowan
Ronald J. Cox

Karen Dale
William R. Davis
Cecil Demidoff
Francis K. Derossitt
Richard Desautel
Marion Deshong
Walter R. Dickenson
David Dickerson
John Dickerson
Joseph Dittrick
Robert C. Dolan
Gary E. Doles
Kevin Duffy
Gail Duncan
Jack N. Duncan
Kelly Duncan
John Efta
Allen Engebretsen
Randolph Ernst
Christopher Ess
Brent Findley
Keith Findley
William P. Finucane
Dan T. Flynn
Howard Flynn
Bob Garnand
Dan W. Garrouette
Ferrel Gines
John Ginsburg
David Goggia
George Gordon
Steve Gravelle
Jerry Green
Kenneth C. Grimes
Richard W. Gunlogson
Kenneth Haakenson
Joseph M. Haggren
Edward W. Hankin
Robert Hanson
Roger B. Harris
Jack Hatten
Jerry Hatten
David A. Hayertz
Charles G. Henderson
George D. Hermon
Roy E. Hoyt, III
Erik Huebsch
John Huey
David F. Hulien
William Hume
Willard Hutson
Albin E. Ihander

Mark L. Ihander
Wayne Jackson
Alex "Ike" Johansen
Edward R. Johnson
Michael Johnson
Ronald Johnson
Robert W. Joki
Frank C. Jones
Paul E. Jones
Terre Jones
Earl Kari
John Kelsch
Chris Kempf
Lawrence T. Keohane
Paula Keohane
Jon D. Kinsey
John H. Kirkham
Thomas R. Klinker
David Lamm
Lawrence Lancashire
Clarence Lande
Patrick Langdon
Ted Lashley
David A. Leuthe
Nicky D. Lewis
James E. Linderman
Anthony Lindow
Thomas D. Lindow
William Lindow
Paul Lints
George Lundquist
Mark E. Mahan
Alvin Malone
Norman Mapes
John W. Martin
Lee Martin
Theo M. Matthews, Jr.
Jim Donald McGee
William McLeod
Ronald J. Meehan
Howard Metz
Ronald A. Mika
Monte Moir
Ralph Milledge Morris
Eileen Mullen
Martin Mullen
Rufus Lynn Murray
Earl and Terry Myers
Carleton Ed Nash
Paul Nash
Wanda Nickel
Hank Niemi

Sue Niemi
Martin Norman
Walter Oldford
Anton J. Ostling
Donald Ostling
Leo R. Ostling
Walter S. Page
Russell Parkison
Ray Pedersen
Giambattista Perone
Ward Person
Fred Peterson
Hans Pinnow
Larry E. Ponn
Robert "Willy" Porter
Morris L. Porter, Sr.
Renee Powell
Kevin Prentice
Don R. Pugh
David C. Quashnick
Richard Quashnick
Mike Rainwater
Michael Ranguette
John Rate
Paul D. Raymond
Mihey Reutov
Theodore K. Sadler
Charles See
Gary A. Seims
Richard Self
Brent A. Shroy
Daniel A. Smith, Jr.
Daniel A. Smith, Sr.
Jeff D. Snyder
Drew Sparlin, Jr.
Ramon Drew Sparlin, Sr.
Garry L. Stensland
Kirsten Stensland
Daniel L. Stephan, Jr.
Ridgley P. Stier
Richard Stoop
Van Swan
Alan W. Takalo
Richard Tauriainen
Larry R. Telen
Lonnie H. Temple
Robert Tepp
Joseph L. Thompson
Tok F. Thompson
David Thornton
Marjorie E. Tillion
Frank Townsend

Sandra Traxinger
Forrest Tressler
Greg Tressler
Gerry S. Tullos
Steve Tvenstrup
L. Dyer Van Devere, III
David L. Vincent
James Wilson
Robert H. Witman
Elwyn D. Wood
Norman Wood
Seth Wright
Marc Zimmerman

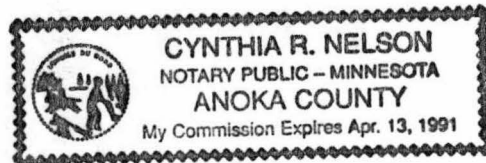
- 2) PROPOSED JUDGMENTS TO BE ENTERED BY THE CLERK OF COURT FOR THE ABOVE-LISTED PLAINTIFFS WHO HAVE ACCEPTED THE OFFER OF JUDGMENT; AND
- 3) PROPOSED ORDER FOR ENTRY OF JUDGMENT.

Lou Timin

Subscribed and sworn to before me
this 29th day of August, 1990.

Cynthia R. Nelson
Notary Public

4835P



Brian B. O'Neill
Faegre & Benson
2200 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-3901

Designated Lead and Liaison Counsel for all Plaintiffs.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

IN RE THE GLACIER BAY

)
) No. A88-115 Civil
) (Consolidated)
) (Pertains to All Cases)
)

)
) ACCEPTANCE OF OFFER
) OF JUDGMENT
)
)

TO: Defendants Trinidad Corporation, The West of England Ship Owners Mutual Insurance Association (Luxembourg), Standard Oil Company, and the Trans-Alaska Pipeline Liability Fund and their attorneys Michael H. Woodell, BRADBURY, BLISS & RIORDAN, 431 West 7th Avenue, Suite 201, Anchorage, Alaska 99501; Gary J. Strauss, GARVEY, SCHUBERT & BARER, 1011 Western Avenue, 10th Floor, Seattle, Washington 98104-1023; and James Robertson, WILMER, CUTLER & PICKERING, 2445 M Street N.W., Washington, D.C. 20037-1420.

PLEASE TAKE NOTICE that pursuant to Rule 68 and Rule 54(b) of the Federal Rules of Civil Procedure, plaintiff Erik B. Anderson in the above-captioned consolidated action accepts the offer of judgment served by you on August 21, 1990, allowing him or her to take judgment in this action for \$27,650, including interest and costs (including attorneys' fees) accrued up to the making of that offer.

Dated: August 29, 1990

Jack M. Fribley
FAEGRE & BENSON

Brian B. O'Neill
Steven C. Schroer
Gerard M. Nolting
Jack M. Fribley
Jeff H. Eckland
Lori A. Wagner
Sarah Armstrong
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Franklyn F. Bergland
2200 Norwest Center
90 South Seventh Street
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(612) 336-3000

ROBINSON, BEISWENGER & EHRHARDT

Arthur Robinson
Allan Beiswenger
Peter Ehrhardt
35401 Kenai Spur Highway
Soldotna, Alaska 99669
(907) 262-9164

Attorneys for Plaintiff

38040

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

U.S. Court of Appeals Docket Number: 90-35589
Lower Court Docket Number: CV-A89-376-HRH

In re: THE GLACIER BAY

958-115 @6

RECEIVED

AUG 06 1990

CLERK, U. S. DISTRICT COURT
ANCHORAGE, ALASKA

FILED

AUG 3 1990

CATHY A. CATTERSON, CLERK
U. S. COURT OF APPEALS

KEE LEASING COMPANY; MATHIASSEN'S TANKER INDUSTRIES, INC.;
GLACIER BAY TRANSPORTATION CORP.; TRINIDAD CORPORATION

Appellants

FILED

SEP 06 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

By: [Signature]

v.

MERRILL MCGAHAN, ET AL; TRANS-ALASKA LIABILITY FUND; KENAI
PIPE LINE CO.; S.P.C. SHIPPING, INC.; TESORO ALASKA
PETROLEUM COMPANY; COOK INLET RECOURSE ORGANIZATION, ET AL;
UNITED STATES OF AMERICA

Appellees

TIME SCHEDULE ORDER

The parties shall meet the following time schedule:

-> Appellant/petitioner shall file the civil
appeals docketing statement (CADS), pursuant to
Circuit Rule 33-1;

8/17/90

-> Appellant/petitioner's opening brief and
excerpts of record shall be served and filed,
pursuant to FRAP 31(a) and Circuit Rule 31-2;

9/13/90

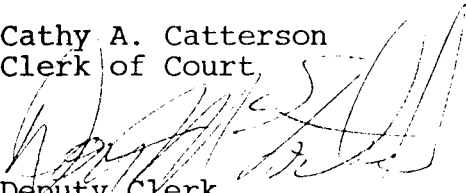
-> The brief of appellee/respondent shall be
filed and served, pursuant to FRAP 31(a) and Circuit

-> The reply brief, if any, of appellant/
petitioner shall be filed and served within fourteen
days of service of the appellee/respondent's brief,
pursuant to FRAP 31(a) and Circuit Rule 31-2.

FOR THE COURT:

Cathy A. Catterson
Clerk of Court

By:


Deputy Clerk

USDC

RECEIVED

AUG 31 1990

ERK, U. S. DISTRICT COURT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

In re: THE GLACIER BAY,

Debtor.

KEE LEASING COMPANY, et al.,

Appellants,

vs.

MERRILL MCGAHAN, et al.,

Appellees.

AUG 23 1990

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

No. 90-35589

DC# CV-A89-376-HRH
CV-88-115-HRH
Alaska (Anchorage)

ORDER

FILED

SEP 06 1990

The court is in receipt of Trans-Alaska Liability Fund's letter dated July 23, 1990.

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By: *[Signature]* Clerk

The briefing schedule is amended as follows: appellants' opening brief is due September 13, 1990. The Government's answering brief is due October 15, 1990. The answering briefs for the remaining appellees are due October 29, 1990. The optional reply brief shall be due 14 days from service of the answering brief.

This order is subject to reconsideration by a judge if any objection is filed within ten (10) days of the entry of the order.

For the Court:

CATHY A. CATTERSON
Clerk of the Court

Robert Allen

Robert Allen
Deputy Clerk