

APR 21 1989

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

CRUZAN FISHERIES, INC., STANLEY
NORRIS GROVE, and ANTHONY GROVE,
on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

ALYESKA PIPELINE SERVICE COMPANY;
TRANS-ALASKA PIPELINE LIABILITY
FUND; EXXON CORPORATION; EXXON
CO., USA; and EXXON SHIPPING COM-
PANY,

Defendants.

No. A89-096 Civil

O R D E R

(Document Retention)

Plaintiffs have moved for a protective order pursuant to Rule 26(c), Federal Rules of Civil Procedure. The latter rule has no real application to the relief which plaintiffs in fact seek--namely, the preservation of documents relevant to this case. Plaintiffs sought consideration of the matter on shortened time, and by minute order filed April 6, 1989, the court called

ORDER (Document Retention)

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1 upon defendants to serve and file any opposition to this motion
2 by noon on Tuesday, April 11, 1989. By means of several stipula-
3 tions, the parties agreed that defendants might have until noon
4 on April 13, 1989, within which to respond. The parties' efforts
5 to agree upon a protective order have apparently failed, for the
6 court has now received a "request for hearing" from plaintiffs,
7 followed by a stipulation requesting a briefing schedule.

8 The court does not presently have a contested matter
9 before it; however, the court infers from what apparently has
10 gone on that defendants do not really oppose the entry of an
11 appropriate order.

12 After the parties have had an opportunity to review
13 this order, and on or before May 10, 1989, each of plaintiffs and
14 defendants shall submit to the court a proposed order for the
15 preservation of records during the pendency of this litigation.
16 Such proposed order shall be supported by a memorandum not
17 exceeding ten (10) pages in length, addressing such known dis-
18 agreements as the parties then have as regards records retention
19 procedures. These memoranda shall be simultaneously filed. Upon
20 receipt of the same, the court will take such further action as
21 appears appropriate.

22 Pending the court's further ruling on this subject,
23 defendants, and their respective officers, agents, servants,
24 employees, affiliates, and attorneys, shall destroy no records or
25 other bodies of information of any kind which in any fashion
26 touch upon:

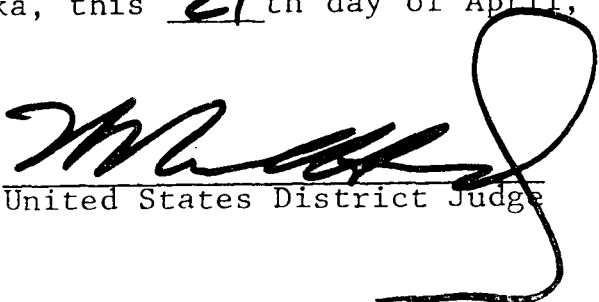
(1) the relocation of crude oil by ocean-going vessel from the terminus of the Trans-Alaska Pipeline at Valdez, Alaska; or

(2) the clean-up, handling, or planning for the contingency of an oilspill from any such tanker; or

(3) the grounding of the Exxon Valdez on March 24, 1989.

Each defendant shall forthwith take steps to inform any and all records custodians to suspend any and all policies or procedures for the storage or destruction of any such documents pending a further order of this court. No defendant shall release or otherwise transfer to any other person, firm, entity, or agency any such records. This shall not preclude defendants from providing copies of records to any person, firm, entity, or agency, to whom a defendant desires to provide information.

DATED at Anchorage, Alaska, this 24th day of April, 1989.


United States District Judge

cc: M. White (PRESTON)
Bogle & Gates
Burr, Pease
Groh, Eggers