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UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

By PLR Deputy

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

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THE NORTH PACIFIC RIM, INC., )  
for itself and on behalf of )  
THE EYAK NATIVE VILLAGE, )  
THE NATIVE VILLAGE OF )  
CHENEGA BAY, THE NATIVE )  
VILLAGE OF TATITLEK, THE )  
NATIVE VILLAGE OF ENGLISH )  
BAY, THE NATIVE VILLAGE OF )  
PORT GRAHAM VILLAGE, THE )  
MOUNT MARATHON NATIVE ASSOCI- )  
ATION, INC., THE VALDEZ NATIVE )  
ASSOCIATION, INC., and the )  
Alaska Native residents of )  
the Chugach Region; EYAK )  
NATIVE VILLAGE; THE EYAK )  
NATIVE VILLAGE TRADITIONAL )  
COUNCIL, on behalf of the )  
Native people of Eyak; THE )  
NATIVE VILLAGE OF CHENEGA )  
BAY; THE NATIVE VILLAGE OF )  
CHENEGA BAY IRA COUNCIL, )  
on behalf of the Native )  
people of Chenega Bay; THE )  
NATIVE VILLAGE OF PORT )  
GRAHAM; THE NATIVE VILLAGE )  
OF PORT GRAHAM TRADITIONAL )  
COUNCIL, on behalf of the )  
Native people of Port Graham; )  
THE NATIVE VILLAGE OF )  
ENGLISH BAY; THE NATIVE )

89-095  
Civ No. ~~A89-110~~ Civ.

FIRST AMENDED CLASS  
ACTION FOR DAMAGES  
AND OTHER RELIEF

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VILLAGE OF ENGLISH BAY )  
NANWALEK TRADITIONAL COUNCIL, )  
on behalf of the Native people )  
of English Bay; THE NATIVE )  
VILLAGE OF TATITLEK; THE )  
NATIVE VILLAGE OF TATITLEK )  
IRA COUNCIL, THE MOUNT )  
MARATHON NATIVE ASSOCIATION, )  
INC.; THE VALDEZ NATIVE )  
ASSOCIATION, INC.; THE )  
ALASKA SEA OTTER COMMISSION; )  
THE KODIAK AREA NATIVE )  
ASSOCIATION, INC., for )  
itself and on behalf of the )  
NATIVE VILLAGE OF LARSEN BAY, )  
THE NATIVE VILLAGE OF OLD )  
HARBOR, THE NATIVE VILLAGE OF )  
KARLUK, THE NATIVE VILLAGE OF )  
PORT LIONS, THE NATIVE VILLAGE )  
OF AKHIOK, THE SHOONAQ' TRIBE )  
OF KODIAK, THE NATIVE )  
VILLAGE OF OUZINKIE, and the )  
Alaska Native residents of )  
the Kodiak Region; THE )  
SHOONAQ' TRIBE OF KODIAK; )  
THE SHOONAQ' TRIBE OF )  
KODIAK TRIBAL COUNCIL, on )  
behalf of the Native people of )  
Kodiak; THE NATIVE VILLAGE OF )  
LARSEN BAY; THE NATIVE VILLAGE )  
OF LARSEN BAY TRADITIONAL )  
COUNCIL, on behalf of the )  
Native people of Larsen )  
Bay; THE NATIVE VILLAGE OF )  
OLD HARBOR; THE NATIVE )  
VILLAGE OF OLD HARBOR )  
TRADITIONAL COUNCIL, on )  
behalf of the Native people )  
of Old Harbor; THE NATIVE )  
VILLAGE OF KARLUK, THE NATIVE )  
VILLAGE OF KARLUK I.R.A. )  
COUNCIL, on behalf of the )  
Native people of Karluk; )  
THE NATIVE VILLAGE OF PORT )  
LIONS; THE NATIVE VILLAGE )  
OF PORT LIONS TRADITIONAL )  
COUNCIL, on behalf of the )  
Native people of Port Lions; )  
THE NATIVE VILLAGE OF AKHIOK; )  
THE NATIVE VILLAGE OF AKHIOK )

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TRADITIONAL COUNCIL, on )  
 behalf of the Native people )  
 of Akhiok; THE NATIVE VILLAGE )  
 OF OUZINKIE; THE NATIVE )  
 VILLAGE OF OUZINKIE )  
 TRADITIONAL COUNCIL, on )  
 behalf of the Native people )  
 of Ouzinkie; AGNES NICHOLS; )  
 GILBERT OLSEN; HENRY )  
 MAKARKA; JOHN M. TOTEMOFF; )  
 MAGGIE A. TOTEMOFF; WALTER )  
 MAGANACK, SR.; WALTER )  
 MAGANACK, JR.; JUANITA )  
 MELSHEIMER; SVEN HAAKANSON; )  
 RONNY LIND; ALLEN PANAMAROFF; )  
 DAVID ELUSKA, SR.; and TESHIA )  
 HARRIS, on behalf of them- )  
 selves and all others )  
 similarly situated, )

Plaintiffs,

vs.

EXXON CORPORATION, a New )  
 Jersey Corporation; EXXON )  
 SHIPPING CO., a Delaware )  
 Corporation; EXXON CO., USA, )  
 a Texas Corporation; and )  
 ALYESKA PIPELINE SERVICE CO., )  
 a Delaware Corporation, )

Defendants.

Plaintiffs allege as follows:

Jurisdiction and Venue

1. This is a civil class action brought by Natives and Native associations, on their own behalf and on behalf of a class of all others similarly situated, for monetary damages sustained by plaintiffs and the class to their economic and subsistence interests and for environmental and ecological injury to the area in and around Prince

William Sound, the Lower Kenai Peninsula, the Kodiak Archipelago, the Alaska Peninsula, the Aleutian Chain, and all other affected areas of Alaska arising out of and directly resulting from the unlawful discharge of oil and other effluent from the vessel EXXON VALDEZ, engaged in the transportation of oil between the terminal facility of the Trans-Alaska Pipeline System in Valdez, Alaska, and Long Beach, California.

2. This action also seeks mandatory and prohibitory injunctive relief to implement measures to further address the damages caused by this incident and to ensure against the recurrence of this or any similar type incident.

3. This Complaint is filed and these proceedings are instituted pursuant to 28 U.S.C. 1331, 1333(1), and 1362, which provide for original jurisdiction in the district courts of all civil actions arising under the laws of the United States, all civil actions by recognized Indian tribes arising under the laws of the United States and all civil actions of admiralty or maritime jurisdiction. This Court also has subject matter jurisdiction over this action in accordance with the principles of pendant jurisdiction.

4. Venue is proper in this District by virtue of 28 U.S.C. 1391 because the claims arose in this District and defendants are doing business in this District.



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Plaintiffs

5. The named Plaintiffs are as follows:

- (a) The North Pacific Rim, Inc. ("TNPR") is a confederation of five Native American tribes and two Native American associations situated within the Chugach Region (as that region is defined in and pursuant to the Alaska Native Claims Settlement Act of 1971, as amended, 43 U.S.C. 1601 et. seq.) including the Eyak Native Village, the Native Village of Chenega Bay, the Native Village of Tatitlek, the Native Village of English Bay, the Native Village of Port Graham, the Mount Marathon Native Association, Inc., and the Valdez Native Association, Inc. TNPR is organized as a non-profit corporation under the laws of the State of Alaska. TNPR's corporate purpose is to protect and advance the cultural, economic, subsistence, health, and social service needs of the Chugach Region Native people and their seven Native tribes and organizations.
- (b) Eyak Native Village is a federally recognized Native American tribe situated

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near Cordova, Alaska, in Prince William Sound.

- (c) The Eyak Native Village Tribal Council is the governing body of the Eyak Native Village.
- (d) The Native Village of Chenega Bay is a federally recognized Native American tribe situated on Evans Island, Alaska, in Prince William Sound.
- (e) The Native Village of Chenega Bay IRA Council is the governing body of the Native Village of Chenega Bay, organized under Section 16 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. 476.
- (f) The Native Village of Port Graham and the Native Village of English Bay are two federally recognized Native American tribes situated at the southwestern extremity of the Lower Kenai Peninsula.
- (g) The Native Village of Port Graham Traditional Council is the governing body of the Village of Port Graham.
- (i) The Native Village of English Bay Nanwalek Traditional Council is the governing body of the Native Village of English Bay.

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- (j) The Native Village of Tatitlek is a federally recognized Native American tribe situated at the Tatitlek Narrows in Prince William Sound.
- (k) The Native Village of Tatitlek IRA Council is the governing body of the Native Village of Tatitlek, organized under Section 16 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. 476.
- (l) The Mount Marathon Native Association, Inc. is a non-profit corporation formed under the laws of the State of Alaska to represent the interests of the Native American people of Seward, Alaska, on the southern coast of the Lower Kenai Peninsula.
- (m) The Valdez Native Association, Inc. is a non-profit corporation formed under the laws of the State of Alaska to represent the interests of the Native American people of Valdez, Alaska, in Prince William Sound.
- (n) The Alaska Sea Otter Commission is a non-profit or unincorporated Native Alaskan association formed to foster and conservation, sound management, and Native

customary and traditional use of the sea otter throughout Alaska.

(o) The Kodiak Area Native Association, Inc. ("KANA") is a confederation of seven Native American tribes situated within the Kodiak Region (as that term is defined in and pursuant to the Alaska Native Claims Settlement Act of 1971, as amended, 43 U.S.C. 1601 et. seq.) including the Native Village of Larsen Bay, the Native Village of Old Harbor, the Native Village of Karluk, the Native Village of Port Lions, the Native Village of Akhiok, the Shoonaq' Tribe of Kodiak, and the Native Village of Ouzinkie. KANA is organized as a non-profit membership corporation under the laws of the State of Alaska. KANA's corporate purpose is to protect and advance the cultural, economic, subsistence, health, and social service needs of the Kodiak Native people and their seven Native tribes.

(p) The Native Village of Larsen Bay, the Native Village of Old Harbor, the Native Village of Karluk, the Native Village of Port Lions, the Native Village of Akhiok, the Native

Village of Ouzinkie and the Shoonag' Tribe of Kodiak are federally recognized Native American tribes situated on the Kodiak Archipelago of Alaska.

- (q) The Native Village of Larsen Bay Traditional Council is the governing body of the Native Village of Larsen Bay.
- (r) The Native Village of Old Harbor Traditional Council is the governing body of the Native Village of Old Harbor.
- (s) The Native Village of Karluk I.R.A. Council is the governing body of the Native Village of Karluk, organized pursuant to Section 16 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. 476.
- (t) The Native Village of Port Lions Traditional Council is the governing body of the Native Village of Port Lions.
- (u) The Native Village of Akhiok Traditional Council is the governing body of the Native Village of Akhiok.
- (v) The Native Village of Ouzinkie Traditional Council is the governing body of the Native Village of Ouzinkie.



- (w) The Shoonaq' Tribe of Kodiak Tribal Council is the governing body of the Shoonaq' Tribe.
- (x) Agnes Nichols is the President of the Eyak Native Village Traditional Council. Plaintiff Nichols resides in Eyak and depends heavily on subsistence hunting, fishing, and gathering for her daily life needs.
- (y) Gilbert Olsen is a member of the Eyak Native Village Traditional Council. Plaintiff Olsen resides in Eyak and depends heavily on subsistence hunting, fishing, and gathering for his daily life needs. Plaintiff Olsen is also a member of the Alaska Sea Otter Commission.
- (z) Henry Makarka resides in Eyak, Alaska, is a member of the Eyak Native Village and depends heavily on subsistence hunting, fishing, and gathering for his daily life needs.
- (aa) John M. Totemoff is the Chief of the Native Village of Chenega Bay I.R.A. Council. Plaintiff John Totemoff resides in Chenega Bay, Alaska, and depends heavily on subsistence hunting, fishing, and gathering

for his daily life needs. Plaintiff John Totemoff also engages in the commercial salmon fishery in Prince William Sound.

(bb) Maggie A. Totemoff resides in Chenega Bay and is a member of the Native Village of Chenega Bay. Plaintiff Maggie Totemoff depends heavily on subsistence hunting, fishing, and gathering for her daily life needs.

(cc) Walter Maganack, Sr. and Walter Maganack, Jr. reside in Port Graham, Alaska, and are members of the Native Village of Port Graham. Plaintiff Walter Maganack, Sr. is the President of the Native Village of Port Graham Traditional Council. Plaintiffs Walter Maganack, Sr. and Walter Maganack, Jr. depend heavily on subsistence hunting, fishing, and gathering for their daily life needs, and also engage in the commercial salmon and halibut fishery in the Lower Kenai Peninsula and Lower Cook Inlet areas of Alaska.

(dd) Juanita Melsheimer resides in English Bay, Alaska, and is a member of the Native Village of English Bay. Plaintiff

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Melsheimer depends heavily on subsistence hunting, fishing, and gathering for her daily life needs, and also engages in the commercial salmon fishery in the Lower Kenai Peninsula area.

(ee) Sven Haakanson resides in Old Harbor, Alaska, and is a member of the Native Village of Old Harbor. Plaintiff Haakanson depends heavily on subsistence hunting, fishing, and gathering for his daily life needs, and also engages in the commercial salmon and crab fishery in the affected Area.

(ff) Ronny Lind resides in Karluk, Alaska, and is the President of the Native Village of Karluk I.R.A. Council. Plaintiff Lind depends heavily on subsistence hunting, fishing, and gathering for his daily life needs, and also engages in the commercial salmon fishery in the affected Area.

(gg) Allen Panamaroff resides in Karluk, Alaska, and is a member of the Native Village of Karluk. Plaintiff Panamaroff depends heavily on subsistence hunting, fishing, and gathering for his daily life needs, and also

engages in the commercial salmon fishery in the affected Area.

(hh) David Eluska, Sr. resides in Ahkiok, Alaska, and is the President of the Native Village of Ahkiok Traditional Council. Plaintiff Eluska depends heavily on subsistence hunting, fishing, and gathering for his daily life needs, and also engages in the commercial salmon fishery in the affected Area.

(ii) Teshia Harris resides in Kodiak, Alaska, and is a member of the Shoonaq' Tribe of Kodiak. Plaintiff Harris depends heavily on subsistence hunting, fishing, and gathering for her daily life needs.

6. Plaintiffs and the class they seek to represent are Alaska Natives and Native organizations, including, but not limited to, individuals, Native villages, incorporated and unincorporated Native entities, associations and tribal entities, who are residents of the State of Alaska and who personally and economically rely upon, use and benefit from the land, structures, fish, wildlife and other biotic and natural resources in and around Prince William Sound, the Lower Kenai Peninsula, the Kodiak Archipelago, the Alaska Peninsula, the Aleutian Chain, and all other areas of

Alaska (herein referred to as "the Area") whose Native residents are affected by the March 24, 1989, discharge of oil from the vessel EXXON VALDEZ. Plaintiffs rely to varying degrees on such species as king salmon, silver salmon, red salmon, pink salmon, chum salmon, white king salmon, black cod, cutthroat trout, steelhead trout, lake trout, rainbow trout, dolly varden, salmon roe, halibut, herring, herring roe, hooligan, smelt, red snapper, codfish, lingcod, gray cod, tomcod, flounder, sole, whitefish, black bass, pollock, pacific ocean perch, red and black seaweed, seaweed with herring roe, kelp, harbor seal, harbor porpoise, sea lion, sea otter, butter clams, littleneck clams, razor clams, cockles, dungeness crab, king crab, tanner crab, shrimp (including tiger and pink shrimp), horse clams, scallops, mussels, sea urchins, chiton, octopus, snails, sea cucumbers, Canada geese, mallards, pintails, goldeneyes, teals, widgeons, swans, brant geese, snow geese, white-fronted geese, black, surf and common scoters, buffleheads, mergansers, loons, deer, and black bear.

7. Plaintiffs are aboriginal residents of the Area with a direct and substantial interest in the environment and ecology of the Area, including among others, its fish, wildlife, and natural resources.



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8. Plaintiffs and the class include rural residents of Alaska who are subsistence users engaged in the customary and traditional uses of wild, renewable resources taken for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation, for the making or selling of handicraft articles out of non-edible byproducts of fish and wildlife resources taken for personal or family consumption, for barter or sharing for personal or family consumption, or for customary trade. These individuals have an absolute statutory priority in such subsistence uses over all other competing sport, commercial or other user groups, pursuant to 16 U.S.C. 3114.

#### Defendants

9. Defendant, Exxon Corporation ("Exxon"), is a corporation organized under the laws of the State of New Jersey, with its principal place of business at 1251 Avenue of the Americas, New York, New York 10020. Exxon is engaged in the business of operating petroleum companies through its subsidiaries and divisions, and is an owner and operator of the vessel EXXON VALDEZ.

10. Defendant, Exxon Shipping Company ("Exxon Shipping"), a Delaware Corporation and maritime subsidiary of defendant Exxon with its principal place of business at

811 Dallas Avenue, Houston, Texas 77002, is an owner and operator of the vessel EXXON VALDEZ.

11. Defendant, Exxon Co., USA ("Exxon USA"), is a division of defendant Exxon with its principal place of business at 800 Bell Avenue, Houston, Texas 77002. Exxon USA is engaged in the business of producing crude oil and refining, transporting, and marketing petroleum products in the United States, and is an owner and operator of the vessel EXXON VALDEZ.

12. Defendant Alyeska Pipeline Service Company ("Alyeska") is a corporation organized under the laws of the State of Delaware with its principal place of business in the State of Alaska. Alyeska owns and operates the Trans-Alaska Pipeline System, including the terminal at Valdez, Alaska.

#### Class Action Allegations

13. Plaintiffs bring this action on behalf of themselves and a class under Fed. R. Civ. P. Rules 23(b)(1), (b)(2), and (b)(3) consisting of "all Alaska Natives and Native organizations, including but not limited to individuals, Native villages, incorporated and unincorporated Native entities and associations, and tribal entities, who personally and economically rely upon, use or benefit from the land, structures, fish, wildlife, and other biotic and natural resources in and around Prince

William Sound, the Lower Kenai Peninsula, the Kodiak Archipelago, the Alaska Peninsula, the Aleutian Chain, and all other areas of Alaska affected by the March 24, 1989 discharge of oil from the EXXON VALDEZ."

14. Plaintiffs further bring this action on behalf of themselves and a class consisting of "all Alaska Natives and Native organizations, including but not limited to individuals, Native villages, incorporated and unincorporated Native entities and associations, and tribal entities, who have a direct and substantial interest in the environment and ecology of the Area and who seek to prevent further injury to the environment and the ecology and to restore the Area to its pre-existing state."

15. The class is so broad and numerous that joinder of all members is impracticable. Although its exact number is not known, it is estimated that there are more than five thousand class members.

16. Plaintiffs are members of the class and their claims are typical of the claims of all members.

17. Plaintiffs will fairly and adequately protect the interests of all members of the class and the members of each are coincident and not antagonistic with the remainder of the class.

18. Plaintiffs are represented by counsel experienced with class and complex litigation and in the representation

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of Native American individuals, Native American entities, and Native American tribes.

19. There are questions of law and fact common to the class in relation to their claims against defendants. Those questions predominate over questions affecting only individual members. A class action is superior to other methods for a fair and efficient administration of this controversy. Prosecution of these claims within the procedural device of a class action will reduce the possibility of repetitious litigation, while also producing redress for claims too small to support the expense of individual, complex litigation.

20. Individual adjudications of class member claims, which would as a practical matter be dispositive of the interests of other members not parties to the action, might substantially impair or impede the ability of the absent members to protect their interests, particularly in regard to claims against defendants for punitive damages.

21. Defendants have acted or refused to act on grounds generally applicable to the class thereby making appropriate final injunctive relief with respect to the class as a whole, in particular as it relates to control by defendants of the operation of vessels carrying oil to and from the Trans-Alaska Pipeline and the establishment and implementation of adequate and effective clean-up

contingency plans and programs and/or the creation of a Fund to preserve and enhance the environment and ecology of the Area.

#### Facts

22. On Thursday evening, March 24, 1989, the EXXON VALDEZ, a 987 foot tanker, weighing 211,000 deadweight tons with cargo and bunker fuel, left the Port of Valdez, Alaska, the southern terminal facility of the Trans-Alaska Pipeline System, bound for Long Beach, California.

23. The vessel was under the command of Captain Joseph J. Hazelwood, who at all relevant times was acting within the scope of his employment and as an agent and representative of defendants. On information and belief Hazelwood was intoxicated at the time the vessel left the Port of Valdez and at the time of the accident.

24. The vessel EXXON VALDEZ was carrying approximately 1.2 million barrels of crude oil which had been shipped from Alaska's North Slope through the Trans-Alaska Pipeline. On information and belief said oil was owned by defendants Exxon Corporation or Exxon Company USA.

25. Sometime in the early hours of Friday, March 24, 1989, Captain Hazelwood retired to his cabin, leaving Gregory Cousins, the third mate, in command. Cousins was not licensed to operate the vessel.



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26. At all relevant times, Mr. Cousins was acting within the scope of his employment and as an agent and/or representative of defendants in connection with the operation of the vessel EXXON VALDEZ.

27. Some time in the early morning hours of Friday, March 24, 1989, the vessel EXXON VALDEZ left the designated deep water southbound shipping lane and shipping channel and entered into a chartered area of rocky reefs.

28. The vessel EXXON VALDEZ was approximately one quarter-mile outside the channel when it first struck the well-marked Bligh Reef. The impact tore three holes into the starboard tanks and ripped out a portion of the hull.

29. While still navigable, the vessel EXXON VALDEZ struck a second part of Bligh Reef and ran aground.

30. As a result of its negligent, grossly negligent, and/or reckless operation, the vessel EXXON VALDEZ was damaged in a manner which permitted and/or caused the discharge of more than 11,000,000 gallons of oil upon and into Prince William Sound and the waters of the Area.

31. Thereafter, defendants were negligent, grossly negligent, and/or reckless by reason of their failure to contain and clean-up the oil and other effluent discharged by their vessel upon and into the waters of Prince William Sound in a timely and effective manner. This failure compounded the damage caused by the discharge of the oil

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from the vessel EXXON VALDEZ. This failure also allowed said discharge of oil to extend beyond Prince William Sound into the Area.

COUNT I

Strict Liability  
43 U.S.C. 1653(a) and (c)

32. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth above.

33. Defendant Alyeska is the holder of a right-of-way, granted pursuant to Title 43 of United States Code in connection with transportation of oil along or in the vicinity of the Trans-Alaska Pipeline.

34. Injury to plaintiffs and the class resulted in part from activities in connection with the transportation of oil along or in the vicinity of the Trans-Alaska Pipeline and the loading of such oil on a vessel at the Valdez terminal facility of the Pipeline in violation of 43 U.S.C. 1653(a).

35. The damages to plaintiffs and the class were neither caused by an act of war nor by the negligence of the United States, nor any other government entity.

36. Injury to plaintiffs and the class arose also from the discharge of oil after the vessel struck Bligh Reef, in violation of 43 U.S.C. 1653(c).

37. Each striking of Bligh Reef by the vessel EXXON VALDEZ was a separate "incident" within the meaning of the

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statute, and each day that defendants failed to adequately, timely, and appropriately respond to the containment and clean-up of the oil discharged from the vessel was also a separate "incident."

38. As a result of these violations, defendants are strictly liable to plaintiffs and the class for all damages sustained by them and for injury to the environment and ecology of the Area resulting from the discharge and spread of oil from the vessel EXXON VALDEZ in an amount of \$150 million for each such incident.

#### COUNT II

##### Common Law Negligence

39. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth above.

40. Defendants jointly and severally owed a duty of care to plaintiffs and the class to safeguard the selection of crew members who controlled the operation of oil carrying vessels through Prince William Sound, to supervise the actions of crew members so as to ensure they are not intoxicated when operating such vessels, to assure that only licensed and properly trained crew members operate such vessels, to maintain sea worthy vessels, to properly transport, handle, and prevent the spillage of oil from such vessels, and to properly contain, clean-up, and otherwise take efficacious measures in the event of an oil

discharge to prevent injury to plaintiffs and the class as well as to the environment and ecology of the Area.

41. Defendants breached their duty of care in each of these respects, including among others, in the following ways:

- (a) Allowing Captain Hazelwood to command the vessel even though he had previously been convicted of charges involving excess drinking and driving twice in the past five years, had his driver's license suspended or revoked three times in that same period, was known to defendants to use and/or abuse alcohol during his employment, and was unfit to command the vessel EXXON VALDEZ with reasonable prudence, skill or care.
- (b) Allowing Gregory Cousins to operate the vessel even though defendants knew or should have known he was not licensed or qualified to operate the vessel.
- (c) Shipping oil on the vessel EXXON VALDEZ even though defendants knew or should have known that single hull construction was not sufficient to allow it to safely engage in the trade for which it was intended.
- (d) Transporting oil by pipeline or by vessel even though defendants knew or should have

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known that their emergency/contingency containment and clean up plan was both inadequate and rendered ineffective by the depletion of necessary personnel and equipment from readily accessible sites, and that there was a lack of adequate equipment, supplies and trained personnel to handle the containment and clean up.

42. As a direct and proximate result of defendants' negligent acts and omissions, plaintiffs and the class and the environment have suffered and will suffer injury as set forth herein.

COUNT III

Admiralty

43. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

44. By virtue of the above allegations, defendants violated the applicable maritime and admiralty laws of the United States, which violations were a direct and proximate cause of the damages previously set forth herein and suffered by plaintiffs and the class.

COUNT IV

Strict Liability - Ultra Hazardous Activity

45. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.



46. Defendants, in producing and transporting oil, were engaged in an abnormally dangerous and ultra-hazardous activity and therefore owed to the members of the plaintiff class an absolute duty to conduct their activities in a safe and proper manner.

47. Defendants breached their duty by causing, allowing or contributing to the discharge and dispersion of oil into the Area.

48. As a result of defendants' breach, plaintiffs and the class have suffered or will suffer injury as set forth herein.

49. Defendants are strictly liable to compensate the members of the plaintiff class for said injury.

#### COUNT V

#### Private Nuisance (AS 09.45.230) and Public Nuisance

50. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

51. Defendants, by causing or allowing the discharge or contributing to the discharge of oil into and upon the waters and subsurface and surface lands in and around the Area and other property utilized by or for the benefit of plaintiffs and the class, created and maintained a private nuisance which has substantially interfered and will continue to interfere with the use and enjoyment of such property, has polluted air, waters and lands utilized by

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plaintiffs and the class, and has caused permanent injury to their way of life and their livelihood.

52. The above acts and omissions of defendants also created a public nuisance through unreasonable interference with the rights of plaintiffs and the class to water and an environment that is free from pollution and contamination by oil.

53. The unreasonable interference with the rights of plaintiffs and the class common to the public resulted in special and distinct harm including, but not limited to, economic and subsistence injury as a result of the pollution.

54. As a direct and proximate result of such acts and omissions, plaintiffs and the class have suffered and will suffer injury as set forth herein.

#### COUNT VI

#### Alaska Statutes

55. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

56. Oil is a hazardous substance as defined in AS 46.03.826(4)(B) of the Alaska Environmental Conservation Act.

57. The presence and spread of oil in the Area presents an imminent and substantial danger to the public health or welfare, including but not limited to fish,

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animals, vegetation, and/or any part of the natural habitat in which they are found.

58. The defendants own and/or have control, pursuant to AS 46.03.826(3) of the oil which was loaded on the vessel EXXON VALDEZ at Valdez, and released into the Area.

59. Defendants' acts in connection with the discharge of the oil from the vessel EXXON VALDEZ and the failure to adequately clean up and contain the spill violated AS 46.03.822 et seq. of the Alaska Environmental Conservation Act.

60. As a direct and proximate result of such acts and omissions, plaintiffs and the class have suffered and will suffer injury as set forth herein.

#### COUNT VI

##### Punitive Damages

61. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth above.

62. Certain acts of defendants as alleged herein were done wantonly, willfully, or with reckless intention.

63. Plaintiffs seek punitive damages from defendants for those acts as specified herein.

#### COUNT VII

##### Fraud

64. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

65. In connection with the granting of the right-of-way to transport oil from a Trans-Alaska Pipeline port to a port within the jurisdiction of the United States, defendants represented that they had established and had in place adequate contingency/emergency plans and equipment and trained personnel to respond to any oil discharged from one of their vessels operating in and around Prince William Sound before it polluted and damaged the aquatic life, wildlife, public and private property and other natural resources of the area.

66. At the time defendants made those representations, they were in a position to know of the falsity of these statements, or had reason to believe that the statements were not true.

67. Plaintiffs and members of the class as well as others relied upon those representations.

68. During the time when defendants first announced the establishment of their emergency/contingency clean-up plan, until the date of the oil discharged from the vessel EXXON VALDEZ, defendants omitted to state material facts which made their prior statements regarding their contingency/emergency plan untrue, including, but not limited to, a failure to disclose that equipment and trained personnel necessary to operate and implement their contingency/emergency plan was not available.

69. Because of these misrepresentations and omissions, there was not adequate equipment and personnel to contain and clean-up the oil discharged from the vessel EXXON VALDEZ, as a result of which clean-up efforts pursuant to the contingency/emergency plans not only were ineffectual, but also served to aggravate and compound the damage and injury caused by the spill.

70. As a direct and proximate result of defendants' fraudulent statements and omissions of material facts, plaintiffs and the class have been damaged in the manner previously set forth herein.

71. Defendant acted recklessly, wantonly, and willfully in connection with these statements and omissions.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

1. Enter an order certifying the classes requested by plaintiffs;
2. Enter a judgment in favor of plaintiffs and the class, against defendants, jointly and severally, for economic and subsistence damages sustained by them by reason of defendants' unlawful conduct;
3. Enter a judgment awarding plaintiffs and the class punitive damages for defendants' willful, reckless, and wanton acts;



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4. Enter a judgment in favor of plaintiffs and the class against defendants, jointly and severally, for all environmental damages caused by their unlawful conduct, including but not limited to all costs of clean up of the oil discharged from the vessel EXXON VALDEZ and the creation of a fund to monitor the environment and ecology in the Area, to preserve and enhance that environment and ecology after clean up, and to rehabilitate and restore the Area to its pre-existing state prior to said discharge of oil.

5. Enter an Order granting appropriate injunctive relief to ensure that this type of incident will not recur, including but not limited to drug and alcohol testing of all persons responsible for commanding a vessel transporting oil in and through Prince William Sound prior to departure of such vessel, mandatory use of double-hulled tankers or their equivalent for the transport of such oil, and periodic emergency/contingency oil spill plan certifications detailing the equipment, supplies and trained personnel on hand to respond to such situations with periodic drills to enhance the preparedness and responsiveness to such an emergency;

6. Award plaintiffs and the class pre-judgment and post-judgment interest, costs, expenses, and attorneys' fees in this action; and

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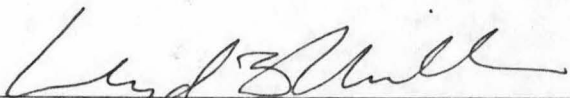
7. Grant such other relief as this Court may deem just and equitable.

DATED at Anchorage, Alaska this 25th day of April, 1989.

Respectfully submitted,

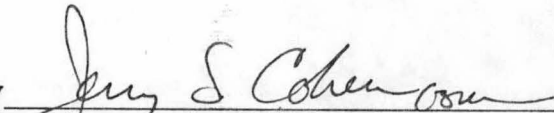
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FILED

MAY 02 1989

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

By PER Deputy

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

ALASKAN SPORT FISHING ASSOCIATION, )  
MICHAEL L. STANLEY, JEFF YATES, )  
TONY LEE, ALLAN TYGERT, TOM ELIAS )  
on behalf of themselves and all )  
others similarly situated, )  
Plaintiffs, )

vs. )

ALYESKA PIPELINE SERVICE COMPANY, )  
Amerada Hess Corporation, )  
Arco Pipeline Company, British )  
Petroleum Pipelines, Inc., Exxon )  
Pipeline Company, Mobil Alaska )  
Pipeline Company, Phillips Petroleum )  
Company, Sohio Petroleum Company, )  
Union Alaska Pipeline Company, )  
TRANS-ALASKA PIPELINE LIABILITY )  
FUND, EXXON CORPORATION, EXXON CO., )  
USA and EXXON SHIPPING COMPANY, )  
Defendants. )

*A 89-95 Civ  
Consolidated*

A 89-165 CIV

CLASS ACTION

JURY TRIAL DEMANDED

Case No. \_\_\_\_\_

Law Offices of  
**Bledsoe & Knutson**  
A Professional Corporation  
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CLASS ACTION COMPLAINT

Plaintiffs, Alaskan Sport Fishing Association, Michael L. Stanley, Jeff Yates, Tony Lee, Allan Tygert, Tom Elias, on behalf of themselves and all others similarly situated, by and through their attorneys, the Law Offices of Bledsoe & Knutson and the Law Offices of Adler, Jameson & Claraval, bring this action on their own behalf and on behalf of the Class they represent to obtain damages, injunctive relief and costs of suit from the Defendants named herein, and complain and allege as follows:

JURY TRIAL DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), Plaintiffs demand that all issues so triable be tried by a jury in this case.

JURISDICTION AND VENUE

1. This is a civil action for injunctive relief and monetary damages for losses sustained by each member of the putative, recreational consumer Class limited to damages for environmental mitigation and monitoring arising out of, and directly resulting from, oil and toxic effluent unlawfully and negligently discharged into navigable waters from the Exxon Valdez, a vessel engaged in the transportation of oil between the terminal facilities of the Trans-Alaska Pipeline System and Long Beach, California, a port under the jurisdiction of the United States. All other damages and injunctive relief available to these Plaintiffs and the class are reserved for other individual and/or class proceedings.

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2. This Complaint is filed and these proceedings are instituted pursuant to 28 U.S.C. §1331 and 1333(1), which provide for original jurisdiction in the district courts for all civil actions arising under the laws of the United States and admiralty or maritime jurisdiction. This court also has subject matter jurisdiction over this action in accordance with the principles of pendent jurisdiction.

3. The grounds for relief are: (i) the Trans-Alaska Pipeline Authorization Act, Title II of Pub. L. 93-153, 43 U.S.C. §1651 et seq.; (ii) Admiralty and Maritime Jurisdiction and The Admiralty Extension Act of 1948, 46 U.S.C. § 740 (1964); (iii) Negligence; (iv) statutes adopted in Alaska providing for damages due to injury to property and natural resources; (v) common law nuisance; (vi) negligence per se.; (vii) maritime negligence; and, (viii) unseaworthiness.

4. Venue is properly laid in this district pursuant to 28 U.S.C. § 1391(b) and (c), as well as the applicable principles of admiralty and maritime law. Defendants reside in this district for venue purposes and the cause of action arose in this district.

#### THE PARTIES

5. Plaintiffs are:

(a) The Alaskan Sport Fishing Association is the largest fishery conservation organization in Alaska and represents the interests of the sport fishing public. It has two thousand members and includes one hundred and sixty businesses involved in the sport fishing and tourist industry.



Its purpose is to actively promote and protect public values and opportunities to consume and otherwise obtain beneficial uses of natural resources associated with sport fishing and includes protection of such values and uses from environmental harm;

(b) Michael L. Stanley is a resident of Anchorage, Alaska. He is a co-owner of a power boat, berthed in Seward from which he recreationally fishes in the polluted areas of Resurrection Bay, the Chiswell Islands, and Prince William Sound for halibut, bottom fish, and salmon. He has been doing so since 1971. He is a member of the Alaskan Sport Fishing Association;

(c) Jeff Yates is a resident of Anchorage, Alaska. He is an ocean kayaker and power boat owner and operator. He uses and sport fishes in the Sound approximately 20 days per year in the area polluted by the oil spill and has been doing so for seven years;

(d) Tony Lee is a resident of Eagle River, Alaska, is a water fowl hunter and guide and a registered hunting guide within the polluted area. He owns a 46 foot boat that he uses in the polluted area;

(e) Allan Tygert is a resident of Anchorage, Alaska and kayaks in Prince William Sound 10 to 14 days per year in the polluted area. He both recreationally and commercially fishes for halibut in the polluted area; and

(f) Tom Elias is a resident of Anchorage, Alaska, is the owner of Hunter Fisher Taxidermy, is the president of

the Alaska Sport Fishing Association and sport fishes in Prince William Sound. In his business he annually mounts about 200 to 300 fish per year from Prince William Sound.

7. Defendant, The Trans-Alaska Pipeline Liability Fund ("Fund"), is a non-profit corporate entity established pursuant to the Trans-Alaska Pipeline Authorization Act ("Act"), 43 U.S.C. §1653(c)(4). The Fund, which is administered by the holders of the Trans-Alaska Pipeline right-of-way under regulations prescribed by the Secretary of the United States Department of the Interior, is a resident of the State of Alaska with its principal place of business in Alaska.

8. Defendant, Alyeska Pipeline Service Company, is an association of the holders of the pipeline right-of-way for the Trans-Alaska Pipeline System that includes: Amerada Hess Corporation, Arco Pipeline Company, British Petroleum Pipelines, Inc., Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Petroleum Company, Sohio Petroleum Company, Union Alaska Pipeline Company, Trans-Alaska Pipeline Liability Fund, Exxon Corporation, Exxon USA, and Exxon Shipping Company. Alyeska Pipeline Service Company ("Alyeska") owns and operates the Trans-Alaska Pipeline System, including the terminal at Valdez, Alaska, and loaded the Exxon Valdez with North Slope crude oil at the Valdez terminal.

9. Defendant, Exxon Corporation, is a corporation organized under the laws of the State of New Jersey, with its principal place of business at 1251 Avenue of the Americas, New York, New York 10020. Exxon Corporation, which is engaged in

the business of operating petroleum companies through its subsidiaries and divisions, is an owner and operator of the vessel known as the Exxon Valdez.

10. Defendant, Exxon Shipping Company, a Delaware corporation and maritime subsidiary of Defendant, Exxon Corporation, with its principal place of business at 811 Dallas Avenue, Houston, Texas 77002, is an owner and operator of the vessel known as the Exxon Valdez.

11. Defendant, Exxon Company, USA, is a division of Defendant, Exxon Corporation, with its principal place of business at 900 Bell Avenue, Houston, Texas 77002. Exxon Co., USA, which is engaged in the business of producing crude oil and refining, transporting and marketing petroleum products in the United States, is an owner and operator of the vessel known as the Exxon Valdez.

#### DEFINITIONS

12. As used herein, the terms "rupture", "spill", and "accident" refer to the rupture of the hull and oil tanks of the Exxon Valdez on March 24, 1989 and the consequent release of more than ten million gallons of crude oil into Prince William Sound, one of the nation's most productive and pristine sounds containing sensitive estuaries and other environments important to sport fishing, hunting and use, and which is home to whales, sea otters, seals and numerous types of fisheries, waterfowl and wildlife.

13. As used herein, the terms "Exxon", "Defendant, Exxon" and "the Exxon Defendants" refer collectively to

Defendants, Exxon Corporation, Exxon Shipping Company, and Exxon Company, USA.

14. As used herein, the term "terminal facilities" refers to those facilities of the Trans-Alaska Pipeline System, including specifically Port Valdez, at which oil is taken from the pipeline and loaded on vessels or placed in storage for future loading onto vessels.

15. As used herein, the terms "Trans-Alaska Pipeline System" and "System" refer to any pipeline or terminal facilities constructed by the holders of the pipeline right-of-way under the authority of the Trans-Alaska Pipeline Authorization Act.

16. As used herein, the term "pipeline" refers to any pipeline in the Trans-Alaska Pipeline System.

17. As used herein, the term "vessel" refers to a ship or tanker, including specifically the vessel known as the Exxon Valdez, being used as a means of transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States, which is carrying oil that has been transported through the Trans-Alaska Pipeline System.

18. As used herein, the terms "environmental monitoring and mitigation" shall include but is not limited to:

- (a) monitoring and evaluation and/or quantification of prospective damage to sport fishing, hunting and use;
- (b) mitigation of damages to the environment upon which sport fishing, hunting and uses depend;

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(c) marine and wildlife restoration projects as recommended by a panel of experts to be hired by the fund hereby created;

(d) rehabilitation and restoration of fisheries, wildlife and their habitats;

(e) rehabilitation of wildlife and their habitats;

(f) purchases of conservation interests in lands, waters and habitats that otherwise may not be conserved;

(g) provision of public facilities in cooperation with governmental agencies;

(h) funding of research and public and private efforts to prevent other spills and the effects thereof from occurring in the future, and

(i) such other and different relief which is necessary and reasonable to effectuate the purposes of this complaint.

19. As used herein, the terms "damages to sport fishing and hunting" include but are not limited to, the diminished economic opportunities of the putative class to consume, use and otherwise derive benefits, services, and uses from fish, wildlife, waters and other natural resources.

#### OPERATIVE FACTS

20. On Thursday evening, March 23, 1989, one of the Exxon's two biggest ships, the Exxon Valdez, a 987 foot tanker, weighing 211,000 deadweight tons with cargo and bunker fuel, left the Port of Valdez, Alaska, the southern terminal facility



of the Trans-Alaska Pipeline System, bound for Long Beach, California.

21. The tanker's twelve oil tanks were filled to capacity with approximately 1.2 million barrels of crude oil which had been shipped from Alaska's North Slope through the Trans-Alaska Pipeline.

22. The Exxon Valdez passed through the harbor and Valdez narrows under the command of a harbor pilot. Captain Joseph J. Hazelwood, who at all times relevant hereto was acting within the scope of his employment and as an agent and/or representative of Defendant, Exxon, was on the bridge of the ship when the harbor pilot disembarked at the southern end of the narrows at approximately 12:30 a.m. Friday morning, March 24, 1989.

23. Shortly thereafter, Captain Hazelwood retired to his cabin, one flight below the bridge, leaving only Gregory Cousins, the third mate, and Robert Kafan, the helmsman, on the bridge. At all times relevant hereto, Messrs. Cousins and Kafan were acting within the scope of their employment and as agents and/or representatives of Defendant Exxon.

24. Mr. Cousins, who was not certified for commanding the tanker through these waters, sought and received Coast Guard permission to leave the normal deep-water southbound shipping lane of the channel due to earlier reports that it contained icebergs from a glacier that had broken to the northwest.

25. The ship steered east into the empty northbound lane, and then proceeded on a southwesterly course bound for

Long Beach, California. The tanker, however, proceeded three miles east past the alternative channel, outside the traffic lanes and entirely beyond the shipping channel into a chartered area of rocky reefs.

26. The vessel was approximately one quarter-mile outside the channel when she first struck the well-marked Bligh Reef, which ripped along the starboard side with jarring impact, tearing three holes into the starboard tanks and ripping out a portion of the hull.

27. Upon information and belief, Captain Hazelwood remained in his cabin, although the noise and impact should have immediately commanded the Captain to the bridge.

28. Although the ship was still navigable after the first impact, she was so far east of deep water than when Cousins tried to turn the Exxon Valdez back toward the west it struck a second part of the shallow reef. This second impact brought the ship aground, stopping the ship's progress completely.

29. The scraping impact and grounding of the Exxon Valdez upon Bligh Reef cut open at least eight of the ship's twelve oil tanks which held 53 million gallons of crude oil, causing, upon information and belief, the largest oil spill in the United States history. To date, a great quantity of crude oil has been discharged into Prince William Sound, already contaminating hundreds of square miles of the Sound, the Gulf of Alaska, the beaches and submerged lands of those areas and thereby destroying or contaminating the fisheries, wildlife and

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habitats thereof and thereby injuring the recreational and public uses dependent on such areas, fisheries, wildlife, and habitats.

30. Upon information and belief, the damage caused by the spill to sport fishing, hunting and marine life could last for years. The region's jagged coastline created hidden pockets of oil as the slick reached shore, creating opportunities for repollution for a protracted time into the future. This damage to sport fishing and hunting will impact on the quality of life of Alaskan sports fisherman and hunters causing them and the environment irreparable harm unless the relief called for in this complaint is granted.

#### CLASS ALLEGATIONS

31. This action is brought by Plaintiffs on their own behalf, and pursuant to Rule 23 of the Fed. R. Civ. P., on behalf a class consisting of all persons and entities who were injured or adversely affected by the rupture of Defendant, Exxon's oil tanker on March 24, 1989, the subsequent oil spill therefrom, and/or the ensuing clean-up effort, solely for relief in the form of environmental mitigation and monitoring as defined in paragraph 18 above. Excluded from the class are all the Defendants, their respective parent corporation, affiliates, subsidiaries, divisions and directors, officers, agents, employees and representatives of each.

32. Plaintiffs are unable to state precisely the size of the class, but members of the class number in at least the

thousands. The class is sufficiently numerous that joinder of all of its members is impracticable.

33. There exist questions of law and fact common to the class with respect to the rupture and resultant spill, the cause and damages thereof, and the ensuing clean-up efforts which predominate over any questions affecting only individual members of the class. Among the questions common to the class are:

(a) whether Alyeska, the Exxon Defendants and the Fund are strictly liable pursuant to the provisions of the Trans-Alaska Pipeline Authorization Act;

(b) whether Alyeska and the Exxon Defendants are liable in negligence pursuant to the provisions of the Trans-Alaska Pipeline Authorization Act;

(c) whether the Exxon Defendants were negligent in (i) maintaining, (ii) controlling, and/or (iii) operating the Exxon Valdez;

(d) whether the Exxon Defendants acted recklessly, wantonly, or in willful disregard of the rights and economic well being of Plaintiffs and the Plaintiffs' class in (i) maintaining, (ii) controlling, and/or (iii) operating the Exxon Valdez;

(e) whether Alyeska and the Exxon Defendants were negligent in (i) failing to establish and provide for an adequate contingency plan to contain and clean-up any discharge of oil from a vessel; (ii) planning the ensuing clean-up effort; (iii) carrying-out the ensuing clean-up effort; (iv) delaying the ensuing clean-up effort; (v)

employing adequate and proper tactics in the ensuing clean-up effort; and (vi) having available for immediate emergency use, adequate and proper supplies, equipment and personnel for the ensuing clean-up effort;

(f) whether Alyeska and the Exxon Defendants acted recklessly, wantonly, or in willful disregard of the rights of the economic well-being of Plaintiffs and the Plaintiffs' class in (i) failing to establish and provide an adequate contingency plan to contain and clean-up any discharge of oil from a vessel; (ii) planning the ensuing clean-up effort; (iii) carrying-out the ensuing clean-up effort; (iv) delaying the ensuing clean-up effort; (v) employing adequate and proper tactics in the ensuing clean-up effort; and (vi) having available for immediate emergency use, adequate and proper supplies, equipment and personnel for the ensuing clean-up effort;

(g) whether Alyeska and the Exxon Defendants were negligent per se because of violations of applicable federal and state law;

(h) the impact of the discharged oil and toxic effluent upon Prince William Sound and other coastal areas, the users of the sound and such other areas, the habitats thereof and the fish, marine, avian, mammal and terrestrial wildlife thereof;

(i) the measures necessary or appropriate to ameliorate and mitigate present and future pollution;

(j) whether the acts and omissions of Alyeska and the Exxon Defendants were violative of A.S. §46.03.822 and other applicable state laws;

(k) whether Exxon is entitled to exoneration, offset of its response costs or limitation of liability for purposes of this action;

(l) the need for environmental mitigation and monitoring as defined in paragraph 18 of this complaint; and

(m) whether the law allows for compensation in the form of environmental mitigation and monitoring as defined in paragraph 18 of this complaint.

34. The claims of representative Plaintiffs are typical of the claims of the class.

35. Plaintiffs will fully and adequately protect the interests of the class. The interests of the class representatives are consistent with those of the members of the class. In addition, Plaintiffs are represented by experienced and able counsel who have represented Plaintiffs' classes throughout the United States.

36. Given the nature and scope relief requested, the award of and prosecution of separate actions by individual members of the class would create a risk of adjudication with respect to the individual members of the class which would, as a practical matter, be dispositive of the interests of the other members not parties to the adjudication, or substantially impair or impede their ability to protect their interests.

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37. Certification is appropriate under one or more of the provisions of Rule 23(b), Fed. R. Civ. P., including Rule 23(b)(1)(B), 23(b)(2) and/or 23(b)(3).

COUNT I

Trans-Alaska Pipeline Authorization Act,  
43 U.S. C. §1653(a)/Strict Liability  
Plaintiffs v. Alyeska

38. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth above.

39. Alyeska is now, and was at all times relevant hereto, the holder of the pipeline right-of-way granted pursuant to the Act.

40. The damages to Plaintiffs and the Plaintiffs' class arose in connection with and resulted from activities along or in the vicinity of the Trans-Alaska Pipeline right-of-way.

41. Upon information and belief, the damages to Plaintiffs and the Plaintiffs' class were neither caused by an act of war nor by the negligence of the United States, any other government entity, or Plaintiffs or the Plaintiffs' class.

42. The oil discharged in connection with and resulting from activities along or in the vicinity of the pipeline right-of-way has damaged and otherwise adversely affected lands, structures, fish, wildlife, biotic and other natural resources relied upon by the Plaintiffs and the Plaintiffs' class.

43. Defendant, Alyeska, is strictly liable to Plaintiffs and the Plaintiffs' class for all damages to sport fishing and hunting sustained and for the costs of environmental mitigation and monitoring necessary to ameliorate the results of the

discharge of oil from the Exxon Valdez pursuant to 43 U.S.C. §1653(a).

COUNT II

Trans-Alaska Pipeline Authorization Act,  
43 U.S. C. §1653(c)/Strict Liability  
Plaintiffs v. Exxon and the Fund

44. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth above.

45. Exxon Defendants are now, and were at all times relevant hereto, the owners and operators of the Exxon Valdez.

46. The damages to Plaintiffs and Plaintiffs' class arose as the result of discharges of oil from the Exxon Valdez that had been transported through the Trans-Alaska Pipeline and loaded on the Exxon Valdez at the terminal facilities of the pipeline.

47. Upon information and belief, the damages to Plaintiffs and the Plaintiffs' class were neither caused by an act of war nor by the negligence of the United States, any other government entity, or Plaintiffs and the Plaintiffs' class.

48. The oil discharged from the Exxon Valdez has damaged and otherwise adversely affected lands, structures, fish, wildlife, biotic and other natural resources relief upon the Plaintiffs and the Plaintiffs' class.

49. Pursuant to 43 U.S.C. §1653(a), Defendants, Exxon and the Fund are strictly liable to Plaintiffs and the Plaintiffs' class for damages to sport fishing and hunting sustained as the result of the discharges of oil from the Exxon Valdez.

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COUNT III

Trans-Alaska Pipeline Authorization Act,  
43 U.S.C. Sections 1653(a) and (c)  
Negligence - Plaintiffs v. Alyeska and Exxon

50. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth above.

51. Defendants, Alyeska and Exxon had continuously reassured environmentalists and others, including specifically, Plaintiffs and the Plaintiffs' class, at all times prior to the accident that there existed an emergency clean-up plan by which any major oil spill could be successfully contained within five hours of occurrence; yet for days after the spill little had been done to contain it.

52. Upon information and belief, Alyeska and Exxon's "contingency clean-up plan" required them to be on site within five hours of the spill. Eighteen hours after the rupture, however, essentially nothing was in place; instead, it took nearly an entire day for Alyeska and Exxon representatives to start placing barrier booms (long bars with heavy plastic skirts) around the slick. By that time, the discharged oil had already become too large to contain.

53. The delays were in part due to repairs being performed on the barge required to pull the booms around the Exxon Valdez.

54. Lack of proper equipment and supplies also hindered effective clean-up operations.

55. Moreover, neither Alyeska nor Exxon had enough equipment or trained personnel to handle a spill of this size,

even though these Defendants have represented for years that their oil spill crews were prepared for such a spill.

56. The tactics finally chosen by Defendant, chemical dispersants which cause further harm to the water, have proved ineffective. These chemical dispersants, previously touted as an effective weapon against oil slicks, could not be used initially because the water was too cold and calm, making the slick too thick for the dispersants to work.

57. Upon information and belief, the oil has now been in the water too long for these dispersants to work since they are most effective only if employed within twenty-four hours after a spill. Beyond that time period, the oil develops a resistance to chemical treatment.

58. Defendants' other "contingency clean-up plan" was to burn the surface oil with a substance similar to Napalm, basically changing the water pollution into air pollution; however, Defendants' delay ultimately allowed changed weather conditions to make it impossible to deploy the necessary small boats used to try to corral the oil into concentrated area for this purpose. All other attempts by Defendants to mitigate their damages have been ineffective.

59. Pursuant to the Trans-Alaska Pipeline Authorization Act, the proper control and total removal of the discharged oil which polluted, damaged and threatens to further pollute and damage aquatic life, wildlife, public and private property was the responsibility of the Defendants. In regard thereto, Defendants had a duty to Plaintiffs and the Plaintiffs' class to

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have adequate resources available to immediately and effectively contain and clean-up any oil spill in any area within or without the right-of-way or permit area granted to them.

60. In the exercise of care, Defendants knew or should have known that they lacked adequate equipment and supplies to effectively contain and clean-up a spill of this magnitude, that their "contingency clean-up plan", including the tactics they developed thereunder, were extremely limited in their efficiency and use, and that these tactics could only be employed under "ideal environmental conditions".

61. The negligence of Defendants Alyeska and Exxon in the control and clean-up operations specifically included, but are not limited to, (i) failing to establish and provide for an adequate contingency plan to contain and clean-up any discharge of oil; (ii) inadequately planning the ensuing clean-up effort; (iii) inadequately carrying-out the ensuing clean-up effort; (iv) unreasonably delaying the ensuing clean-up effort; (v) choosing inadequate tactics in the ensuing clean-up effort; and (vi) possessing inadequate equipment, supplies and personnel for deployment in the ensuing clean-up effort, all of which served to aggravate and compound the damages to Plaintiffs and the Plaintiffs' class.

62. As a direct and proximate result of the foregoing negligence, Plaintiffs and the Plaintiffs' class have suffered damages to sport fishing and hunting claimed in this complaint.

COUNT IV

Trans-Alaska Pipeline Authorization Act,  
43 U.S.C. §1653(c)/Negligence  
Plaintiffs v. Exxon

63. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

64. The captain of the Exxon Valdez, Joseph J. Hazelwood, who upon information and belief, had previously been convicted of charges involving drinking and driving twice in the past five years and had his driver's license suspended or revoked three times in that same period, was not in command when the tanker hit the well marked Bligh Reef.

65. Instead, the third mate Cousins knew or should have known that it was not only unreasonably dangerous for Hazelwood to leave the bridge and relinquish control of the tanker to Cousins, but also a violation of applicable Coast Guard rules and regulations.

66. The owners of the Exxon Valdez, Captain Hazelwood and third-mate Cousins knew or should have known that Cousins did not possess the requisite degree of competence to command the Exxon Valdez with reasonable prudence, skill or care.

67. The Exxon Defendants knew or should have known based on Hazelwood's previous convictions for drinking and driving, as well as the revocation or suspension of his driver's license three times in a five year period, that Hazelwood did not possess the requisite degree of competence to command the Exxon Valdez with reasonable prudence, skill or care.

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68. The Exxon Defendants knew or should have known, based on the service in which the Exxon Valdez was involved that its single hull construction was not sufficient to allow it to safely engage in the trade for which it was intended.

69. The negligence of the Exxon Defendants in the ownership and operation of the Exxon Valdez specifically included, but was not limited to, (i) failing to adequately crew the tanker; (ii) failing to adequately pilot and navigate Prince William Sound; (iii) failing to have a double hull, and (iv) failing to use due care under the circumstances. As a direct and proximate result of the foregoing negligence, the Exxon Defendants, in their own right as well as by and through their agents, servants, and employees, caused Plaintiffs and the Plaintiffs' class to suffer damages as described above.

70. The aforementioned conduct also rendered the vessel unseaworthy and the breach of the same entitles Plaintiffs and the Plaintiffs' class to the damages to sport fishing and hunting as described above.

#### COUNT V

#### Maritime Damages - Plaintiffs v. Alyeska and Exxon

71. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

72. By virtue of the Defendants negligence and the unseaworthiness of the vessel, Defendants violated the general maritime and admiralty laws of the United States, which violations were a direct and proximate cause of the damages to

sport fishing and hunting suffered by Plaintiffs and the Plaintiffs' class.

COUNT VI

Common Law Negligence  
Plaintiffs v. Alyeska and Exxon

73. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

74. By virtue of the above, Defendants were negligent, which negligent acts and omissions directly and proximately caused the damages to sport fishing and hunting suffered by Plaintiffs and the Plaintiffs' class.

COUNT VII

Alaska Environmental Conservation Act  
Plaintiffs v. Alyeska and Exxon

75. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

76. Oil, including the approximately 10.1 million gallons of crude oil which has been released into the Prince William Sound, as a result of the grounding and consequent rupture of the Exxon Valdez's oil tanks, is a hazardous substance, as that term is defined in Section 46.03.826(4)(B) of the Alaska Environmental Conversation Act.

77. The presence of oil in the Prince William Sound and its subsequent spreading to the Gulf of Alaska, the Kenai Peninsula and beyond, presents an imminent and substantial danger to the public health or welfare, including but not limited to fish, animals, vegetation, and/or any part of the natural habitat in which they are found.

78. The Defendants own and/or have control, pursuant to Section 46.03.826(3) of the Alaska Environmental Conservation Act, over the oil which was loaded on the Exxon Valdez at the Port of Valdez, Alaska and released into the Prince William Sound.

79. Upon information and belief, the entry of the oil in or upon the water, surface or subsurface land of the State of Alaska, was not caused solely as a result of:

- (a) an act of war;
- (b) an intentional act or a negligent act of a third party, other than a party or its employees in privity with, or employed by Defendants;
- (c) negligence on the part of the United States government or in the State of Alaska; or
- (d) an act of God.

80. Upon information and belief, upon discovery of the entry of the oil in or upon the water, surface or subsurface land of the State of Alaska, Defendants delayed and/or failed to begin operations to contain and clean-up the hazardous substance within a reasonable period of time.

81. The entry of the oil, which is owned and/or within the control of the Defendants, in or upon the waters, surface and/or subsurface lands of the State of Alaska, has caused damages to sport fishing and hunting and to Plaintiffs and the Plaintiffs' class, for which the Defendants are strictly liable pursuant to Section 46.03.822 of the Alaska Environmental Conservation Act, and which are best ameliorated by the

environmental mitigation and monitoring sought by this complaint.

COUNT VIII

Alaska Statute § 09.45.230  
Plaintiffs v. Alyeska and Exxon

82. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

83. The acts and omissions of the Defendants created a private nuisance through substantial interference with the use and enjoyment of Plaintiffs and the Plaintiffs' class interests in the environment.

84. This substantial interference has impaired the use and enjoyment of Plaintiffs and the Plaintiffs' class interest in their personal and real property, their interests as beneficiaries in the use of public property including submerged lands and coasts and their interests in the natural environment.

85. The substantial interference with Plaintiffs and the Plaintiffs' class interests, were caused by the actions and omissions of the Defendants for which they are liable to Plaintiffs and the Plaintiffs' class for the damages sustained.

86. The Defendants threaten to continue the acts and omissions complained of herein, including their inability to clean-up or restore the polluted areas, and unless temporarily, preliminarily or permanently restrained and enjoined, will continue to do so, all to Plaintiffs and the Plaintiffs' class irrefutable damage. Plaintiffs and the Plaintiffs' class remedy at law for damages is not adequate to compensate them for the injuries threatened to continue.

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COUNT IX

Public Nuisance  
Plaintiffs v. Alyeska and Exxon

87. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

88. The acts and omissions of the Defendants created a public nuisance through unreasonable, continuing interference with the rights of Plaintiffs and the Plaintiffs' class to make beneficial use of waters, lands, fish and wildlife, and other resources and services that are free from pollution and contamination by oil.

89. The unreasonable interference with the rights of Plaintiffs and the Plaintiffs' class resulted in special and distinct harm to Plaintiffs and the Plaintiffs' class including, but not limited to, inter alia, loss of recreational uses and the economic benefits related thereto as a result of the pollution.

90. The substantial interference with Plaintiffs and the Plaintiffs' class interests were caused by the actions and omissions of the Defendants for which they are liable to Plaintiffs and the Plaintiffs' class for the damages sustained.

91. The Defendants threaten to continue the acts and omissions complained of herein, and unless temporarily, preliminarily or permanently restrained and enjoined, will continue to so, all to Plaintiffs and the Plaintiffs' class irrefutable damage. Plaintiffs and the Plaintiffs' class remedy at law for damages is not adequate to compensate them for the injuries threatened to continue.

COUNT X

Negligence per se  
Plaintiffs v. Alyeska and Exxon

92. Plaintiffs reallege and incorporate by reference each and every allegation set forth above.

93. The acts and omissions of the Defendants violate the Trans-Alaska Pipeline Authorization Act, 43 U.S.C. § 1651, et. seq., and Alaska State and local law, including A.S. §46.03.010, et. seq., and A.S. §09.45.230. In so violating these laws, Defendants were negligent per se.

94. The Exxon Defendants also failed to obtain the necessary certification from the Coast Guard for Gregory Cousins to pilot vessels such as the Exxon Valdez through the waters of the Prince William Sound, violating Coast Guard regulations. In failing to do so, Defendants were negligent per se.

95. The Defendants are liable to Plaintiffs and Plaintiffs' class for all damages to sport fishing and hunting resulting from the accident and discharge on account of their violations of the above-mentioned federal and state laws and certification requirements.

RELIEF SOUGHT

WHEREFORE, Plaintiffs pray that this court:

A. Order this action to proceed as a class action, with Plaintiffs as class representative;

B. Award compensatory damages under all counts to Plaintiffs and all other members of the class in an amount to be determined by the finder of fact, to be utilized in for an environmental mitigation and monitoring fund;



C. A judgment declaring that Defendants shall create an environmental monitoring and mitigation fund in the form of a public trust fund for compensatory environmental monitoring and mitigation, as defined in paragraph 18 of this complaint subject to the supervision of this court with the scope and purpose for which such fund shall be administered to be further redefined and redetermined after discovery;

D. Award attorneys' fees and the costs of this action; and

E. Award such other and further relief as this court deems just and proper.

RESPECTFULLY SUBMITTED this 2 day of May, 1989, at Anchorage, Alaska.

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**FILED**

**MAY 03 1989**

**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

*PRR*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

In re )  
 )  
the EXXON VALDEZ ) No. A89-095 Civil  
 )  
 )  
\_\_\_\_\_ ) (Consolidated)

MASTER SERVICE LIST

May 3, 1989

This master service list will be distributed to all counsel whenever it is amended; and counsel shall be responsible for employing the current master service list.

Proof of service of all documents upon the parties to these consolidated cases shall be by affidavit or certification that:

Service of (TITLE OF DOCUMENT) has been made upon all counsel of record based upon the court's Master Service List of (DATE).

Counsel shall find listed on Exhibit A, attached hereto, the appropriate plaintiff and defendant number designation to be used when filing documents with the court.

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CAUSE:	PLAINTIFFS	DEFENDANTS
	SEA HAWK SEAFOODS, INC.,	D-1 EXXON CORP., A New Jersey corp.,
P-2	COOK INLET PROCESSORS, INC.,	D-2 EXXON SHIPPING CO., a Delaware corp.,
P-3	SAGAYA CORP.,	D-3 ALYESKA PIPELINE SERVICE CO., a Delaware corp.
P-4	McMURREN, WILLIAM,	D-4 TRANS-ALASKA PIPELINE LIABILITY FUND,
P-5	McMURREN, PATRICK L.,	D-5 EXXON CO., USA,
P-6	KING, WILLIAM W.,	D-6 EXXON VALDEZ, her engines, tackle, gear,
P-7	NORRIS, GEORGE C.,	equipment and appurtenances, <u>in rem</u> ,
P-8	CRANZ, HUNTER,	D-7 HAZELWOOD, JOSEPH, an individual,
P-9	FEENSTRA, RICHARD,	D-8 COUSINS, GREGORY, an individual,
P-10	WILDERNESS SAILING SAFARIS,	D-9 NELSON, GEORGE
P-11	SEAFOOD SALES, INC.,	D-10 EXXON PIPELINE CO., a Delaware corp.,
P-12	RAPID SYSTEMS PACIFIC, LTD.	D-11 AMERADA HESS CORP.,
P-13	CRUZAN FISHERIES, INC.,	D-12 ARCO PIPE LINE CO.,
P-14	GROVE, STANLEY NORRIS,	D-13 BRITISH PETROLEUM PIPELINES, INC.,
P-15	GROVE, ANTHONY,	D-14 MOBIL ALASKA PIPELINE CO.,
P-16	CORDOVA DISTRICT FISHERMAN	D-15 PHILLIPS PETROLEUM CO.,
	UNITED, INC., an Alaska corp.,	D-16 SOHIO ALASKA PIPELINE CO.,
P-17	PRINCE WILLIAM SOUND AQUA-	D-17 UNION ALASKA PIPELINE CO.,
	CULTURE CORP., an Alaska	
	non-profit corp.,	

CAUSE  
 (CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE  
 IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

ATTORNEYS

P-18	CHESHER, ELMER J.,	D-18	MURPHY, EDWARD,
P-19	SAMISH MARITIME, INC.,	D-19	BP PIPELINES (ALASKA), INC.,
P-20	MID-WEST FISHERIES, INC.,	D-20	PHILLIPS ALASKA PIPELINE CORP.,
P-21	MCALLISTER, SCOTT,	D-21	UNOCAL PIPELINE CO.
P-22	OLSEN, STEVEN T.,	D-22	ALASKA, STATE OF
P-23	MICHELLI, JACK,	D-23	ALASKA, STATE OF, DEPT. OF ENVIRONMENTAL
P-24	McALLISTER, MICHAEL,		CONSERVATION
P-25	YOAKUM, CHARLOTTE,		
P-26	JUDSON, LEE,		
P-27	HUGHES, LANTZ,		
P-28	McALLISTER, THOMAS S.,		
P-29	J & A ENTERPRISES, a Washington		
	Corp.,		
P-30	GORESON, MARTIN,		
P-31	GORESON, JAMES R.,		
P-32	MOORE, JEFFREY A.,		
P-33	EWING, JAMES D.,		
P-34	JENSEN, DOUG,		
P-35	LOWELL, DANIEL,		
P-36	WHITTIER SEAFOODS, INC.,		
P-37	CORDOVA AIR SERVICE, INC.		
P-38	DEW DROP, F/V		

Exhibit A

CHECK HERE CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECE.PT NUMBER	C D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

DATE

NR.

PLAINTIFFS

PROCEEDINGS

DEFENDANTS

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 P-40 BAKER, GRANT C.,  
 P-41 BUTLER, ROBIN,  
 P-42 CESARI, RICHARD,  
 P-43 McCRUDDEN, PHILIP H.,  
 P-44 BISHOP, DENNIS,  
 P-45 NORTH PACIFIC RIM, INC.,  
 P-46 EYAK NATIVE VILLAGE,  
 P-47 EYAK NATIVE VILLAGE TRADITIONAL  
 COUNCIL,  
 P-48 NATIVE VILLAGE OF CHENEGA BAY,  
 P-49 NATIVE VILLAGE OF CHENEGA BAY  
 IRA COUNCIL,  
 P-50 ~~VILLAGE OF PORT GRAHAM~~, THE NATIVE VILLAGE OF PORT GRAHAM,  
 P-51 ~~THE VILLAGE OF PORT GRAHAM~~ NATIVE VILLAGE OF PORT GRAHAM  
 TRADITIONAL COUNCIL,  
 P-52 ~~ENGLISH BAY VILLAGE~~, THE NATIVE VILLAGE OF ENGLISH BAY,  
 P-53 ~~ENGLISH BAY VILLAGE TRADITIONAL~~ THE NATIVE VILLAGE OF ENGLISH BAY NANWALEK  
 COUNCIL, TRADITIONAL COUNCIL,  
 P-54 MOUNT MARATHON NATIVE ASSOC., INC.,  
 P-55 VALDEZ NATIVE ASSOC., INC.,  
 P-56 NICHOLS, AGNES,  
 P-57 OLSEN, GILBERT,  
 P-58 MAKARKA, HENRY,  
 P-59 TOTEMOFF, JOHN M.,  
 P-60 TOTEMOFF, MAGGIE A.,  
 P-61 MAGANACK, WALTER SR.,  
 P-62 MAGANACK, WALTER JR.,  
~~P-63 KVASNIKOFF, VINCENT,~~  
 P-64 MELSHEIMER, JUANITA,  
 P-65 THORNE, GERALD E.,  
 P-66 THORNE, GERALD D.,  
 P-67 THORNE, CHARLES M.,  
 P-68 SIGLER, W.B.T.J.,  
 P-69 PIDGEON, STEPHEN,  
 P-70 FERGUSON, DONALD A.,  
 P-71 WHITSON, JUDY FAYE,  
 P-72 LAY, MARLENE SHARON,  
 P-73 HOFMANN, DALE,  
 P-74 HERSCHLEB, KENT,  
 P-75 HERSCHLEB, JOHN,  
 P-76 HERSCHLEB, ANNE,  
 P-77 COPELAND, TOM,  
 P-78 WISNER, HUGH R.,  
 P-79 DOOLEY, LARRY L.,  
 P-80 KODIAK ISLAND BOROUGH,  
 P-81 CHUGACH ALASKA CORP.,  
 P-82 CHUGACH FOREST PRODUCTS, INC., an  
 Alaska corp.,  
 P-83 CHUGACH DEVELOPMENT CORP., an  
 Alaska corp.,  
 P-84 CHUGACH FISHERIES, INC., an Alaska  
 corp.,  
 P-85 CHUGACH TIMBER CORP., an Alaska  
 corp.,  
 P-86 BERING DEVELOPMENT CORP., an  
 Alaska corp.,  
 P-87 TATITLEK CORP., an Alaska Native  
 village corp.



## CIVIL DOCKET CONTINUATION SHEET

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	P-89	CHN, INC., an Alaska corp.,		
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	P-91	EYAK DEVELOPMENT INC., an Alaska corp.,		
	P-92	EYAK TIMBER INC., an Alaska corp.,		
	P-93	PORT GRAHAM CORP., an Alaska Native Village corp.,		
	P-94	PORT GRAHAM DEVELOPMENT CORP., an Alaska corp.,		
	P-95	OLD HARBOR NATIVE CORP.,		
	P-96	GROTHE, LENHART J.,		
	P-97	BUTCHER, C.N.,		
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	P-99	BENNETT, ROSS,		
	P-100	KINCAID, SUSAN,		
	P-101	PHATLEY, LESLIE,		
	P-102	DEHLIN, RICHARD,		
	P-103	TOTEMOFF, JERRY,		
	P-104	TOTEMOFF, MELVIN,		
	P-105	WILLIAMSON, RICHARD,		
	P-106	MILLARD, GARF,		
	P-107	LANG, NORMAN,		
	P-108	LAKOSH, THOMAS,		
	P-109	DAY, PATRICIA,		
	P-110	KELLAR, BOB,		
	P-111	MCGUIRE, DENNIS,		
	P-112	DRIESSCHE, MARC VAN,		
	P-113	CLARKE, ED,		
	P-114	KOMPKOFF, DON,		
	P-115	TIEDMAN, FREDERICK M., SR.,		
	P-116	THE NATIVE VILLAGE OF TATITLEK,		
	P-117	THE NATIVE VILLAGE OF TATITLEK IRA COUNCIL,		
	P-118	THE ALASKA SEA OTTER COMMISSION		
	P-119	THE KODIAK AREA NATIVE ASSOC., INC.,		
	P-120	THE SHOONAQ' TRIBE OF KODIAK,		
	P-121	THE SHOONAQ' TRIBE OF KODIAK TRIBAL COUNCIL,		
	P-122	THE NATIVE VILLAGE OF LARSEN BAY,		
	P-123	THE NATIVE VILLAGE OF LARSEN BAY TRADITIONAL COUNCIL,		
	P-124	THE NATIVE VILLAGE OF OLD HARBOR,		
	P-125	THE NATIVE VILLAGE OF OLD HARBOR TRADITIONAL COUNCIL,		
	P-126	THE NATIVE VILLAGE OF KARLUK,		
	P-127	THE NATIVE VILLAGE OF KARLUK I.R.A. COUNCIL,		
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	P-131	THE NATIVE VILLAGE OF AKHIOK TRADITIONAL COUNCIL,		

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ___ OF ___ PAGES

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		P-133 THE NATIVE VILLAGE OF OUZINKIE TRADITIONAL COUNCIL,	
		P-134 HAAKANSON, SVEN,	
		P-135 LIND, RONNY,	
		P-136 PANAMAROFF, ALLEN,	
		P-137 ELUSKA, DAVID SR.,	
		P-138 HARRIS, TESHIA,	