

FILED

Douglas J. Serdahely, Esq.
BOGLE & GATES
1031 West 4th Avenue, Suite 600
Anchorage, Alaska 99501
(907) 276-4557

MAY 17 1989
UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By RL Deputy

Attorneys for defendants
Exxon Corporation, Exxon Shipping Company
Exxon Company, USA, Exxon Shipping Company,
as owner of the Exxon Valdez and/or
Exxon Pipeline Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

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

Re Case No. A89-096

STIPULATION BETWEEN P-13 THROUGH P-15,
D-1 THROUGH D-6, D-10 AND D-22
REGARDING DOCUMENT PRESERVATION ORDER

Plaintiffs Cruzan Fisheries, Inc., et al. (P-13 through P-15), defendants Exxon Corporation, Exxon Shipping Company, Exxon Company, USA, Exxon Shipping Company, as owner of the Exxon Valdez and Exxon Pipeline Company ("Exxon") (D-1, D-2, D-5, D-6 and D-10), defendant Alyeska Pipeline Service Company ("Alyeska") (D-3), Trans-Alaska Pipeline Liability Fund ("TAPAA Fund") (D-4), and defendant State of Alaska ("State") (D-22) hereby stipulate as follows:

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STIPULATION REGARDING DOCUMENT
PRESERVATION ORDER
DJS290B1

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1. Pursuant to this Court's Order No. 3, the parties hereby stipulate to meet as soon as practicable within the next two weeks to discuss, "fine tune" and redraft the defendants' proposed order as suggested by the Court.

2. Until such time as this Court has issued its final document retention order herein, the parties further stipulate that duplicate copies of electronically recorded or transmitted messages need not be preserved so long as one exact copy of such message is preserved, whether in "hard copy" form or by electronic message.

DATED: May 17, 1989

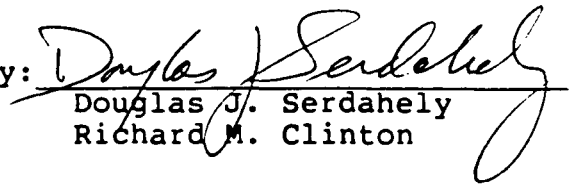
LAW OFFICES OF JOHN C. PHARR

By: 
Laurence Keyes

Attorneys for plaintiffs
Cruzan Fisheries, Inc.,
Stanley Norris Grove and
Anthony Grove
(P-13 through P-15)

DATED: May 17, 1989

BOGLE & GATES

By: 
Douglas J. Serdahely
Richard M. Clinton

Attorneys for defendants
Exxon Corporation (D-1),
Exxon Shipping Company (D-2),
Exxon Company, USA (D-5)
Exxon Shipping Company, as
owner of the Exxon Valdez (D-6)
and Exxon Pipeline Company (D-10)

STIPULATION REGARDING DOCUMENT
PRESERVATION ORDER
DJS290B1

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Se
10 2th Avenue
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DATED: May 17, 1989

BURR, PEASE & KURTZ, P.C.

By: 
Charles P. Flynn

Attorneys for defendant
Alyeska Pipeline Service
Company (D-3)

DATED: May 17, 1989

GROH, EGGERS & PRICE

By: 
David A. Devine

Attorneys for defendant
Trans-Alaska Pipeline Liability
Fund (D-4)

DATED: May __, 1989

PRESTON, THORGRIMSON, ELLIS
& HOLMAN

By: (NOT USED)
Michael N. White

Attorneys for defendant
State of Alaska (D-22)

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STIPULATION REGARDING DOCUMENT
PRESERVATION ORDER
DJS290B1

DATED: May 17, 1989

DOUGLAS B. BAILY
ATTORNEY GENERAL

FILED

By: Craig J. Tillery
Craig J. Tillery

MAY 19 1989

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

By Deputy

Attorneys for defendant
State of Alaska (D-22)

ORDER

IT IS SO ORDERED.

DATED at Anchorage, Alaska, this 18 day of May, 1989.

H. Russel Holland
The Honorable H. Russel Holland
United States District Judge

PURSUANT TO THIS COURT'S PRETRIAL ORDER,

Bogle & Gates SHALL MAKE SERVICE OF THIS ORDER.

BOGLE & GATES

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STIPULATION REGARDING DOCUMENT
PRESERVATION ORDER
DJS290B1

Douglas J. Serdahely, Esq.
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Richard M. Clinton, Esq.
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The Bank of California Center
900 West 4th Avenue
Seattle, Washington 98164
(206) 682-5151

Attorneys for defendants
Exxon Corporation, Exxon Company, USA,
Exxon Shipping Company, Exxon Shipping
Company, as owner of the EXXON VALDEZ
and Exxon Pipeline Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

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

Re Case No. A89-096

AFFIDAVIT OF SERVICE

STATE OF ALASKA)
: ss.
THIRD JUDICIAL DISTRICT)

Joy C. Steveken, being first duly sworn, upon oath,
deposes and says: that she is employed as a legal secretary in
the offices of Bogle & Gates, 1031 West 4th Street, Suite 600,

AFFIDAVIT OF SERVICE
DJS232AJ

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Anchorage, Alaska 99501; that service of the Stipulation Between P-13 Through P-15, D-1 Through D-6, D-10 and D-22 Regarding Document Preservation Order has been made upon all counsel of record based upon the court's Master Service List of May 9, 1989 on the 17th day of May, 1989 via U.S. Mail, postage prepaid.

Joy C. Steveken
Joy C. Steveken

SUBSCRIBED AND SWORN to before me this 17th day of May,
1989.

Aue 2 Bailey
Notary Public for Alaska
My Commission Expires: 5/23/92

BOGLE & GATES

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10
th Avenue
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AFFIDAVIT OF SERVICE
DJS232AJ

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FILED

MAY 19 1989

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

By ELC Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

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

ORDER NO. 4

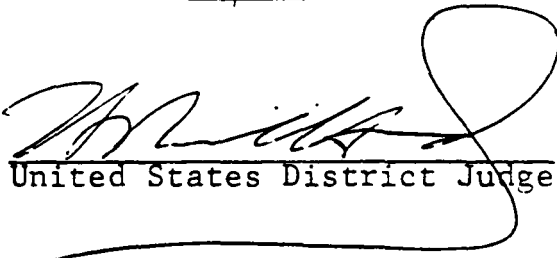
(P-65 Motion to Remand Case No. A89-145 Civil)

Plaintiff Gerald E. Thorne and his co-plaintiffs have moved to remand Case No. A89-145 Civil, which had been Alaska Superior Court Case No. 3CO-89-29 Civil, for the reason that plaintiff inadvertently styled his case so as to include the Trans-Alaska Pipeline Liability Fund (D-4), whereas the body of the complaint contains no claim against said defendant. D-4 does not object to the remand on the condition that plaintiffs file a notice of dismissal as to it. Such a notice of dismissal has been filed. The case is therefore subject to remand insofar as D-4.

1 However, it has been pointed out to the court that
2 other defendants have joined in the removal, and may be entitled
3 to insist that this case remain in federal court. Having
4 reviewed plaintiffs' complaint, it is the court's tentative
5 conclusion that the complaint states only state law or common law
6 causes of action, not federal questions. Moreover, and at least
7 superficially, there would not appear to be diversity of citizen-
8 ship between the plaintiffs and all of the defendants.

9 The defendants remaining in Case No. A89-145 Civil
10 shall show cause, on or before June 5, 1989, why this case should
11 not be remanded to the Superior Court for the State of Alaska.
12 If any defendant shall make a filing in response to the fore-
13 going, plaintiffs may respond thereto on or before June 20, 1989.

14 DATED at Anchorage, Alaska, this 18th day of May,
15 1989.

16
17 
18 United States District Judge
19
20
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22 **PURSUANT TO THIS COURT'S PRETRIAL ORDER,**

23 **AMAROT SHALL MAKE SERVICE OF THIS ORDER.**
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