

MAY 04 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Douglas J. Serdahely
Liaison Counsel for Defendants
and Co-Member of Defendants'
Coordinating Committee
Bogle & Gates
1031 West 4th Avenue, Suite 600
Anchorage, Alaska 99501
(907) 276-4557

Charles E. Flynn
Co-Member of Defendants'
Coordinating Committee
Burr, Pease & Kurtz
810 N Street
Anchorage, Alaska 99501
(907) 276-6100

David W. Oesting
Co-Lead Counsel for Plaintiffs
David, Wright & Tremaine
550 West 7th Avenue, Suite 1450
Anchorage, Alaska 99501
(907) 276-4488

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

In re
the EXXON VALDEZ

Case No. A89-095 Civil

(consolidated)

RE: ALL CASES

STIPULATION OF ALL PLAINTIFFS AND ALL
DEFENDANTS REGARDING SCHEDULING OF ORAL
ARGUMENT ON CERTAIN MOTIONS, AND PROPOSED ORDER

§ 2

Bogle & Gates

60
1031 4th Avenue
Anchorage, Alaska 99501
77-4557

116

All plaintiffs and all defendants, by and through undersigned lead and/or coordinating counsel, hereby stipulate as follows:

1. Oral argument on the following motions will be heard in a joint hearing before Judge Shortell and Judge Holland in Courtroom No. 2 at the U.S. Courthouse, 232 West 7th Avenue the dates and times indicated below:

2. THURSDAY, SEPTEMBER 13, 1990

a. 9:00 a.m. to 3:30 p.m., (with 1-1/2 hour luncheon recess scheduled at the Courts' discretion). Plaintiffs' motions for class certification:

- (1) Class Action Plaintiffs' Motion for Class Certification filed on September 22, 1989;
- (2) Plaintiffs' [Region 37, Inlandboatmen's Union, et al.] Motion to Certify Class filed on September 22, 1989; and
- (3) Class Action Plaintiffs' Kodiak Island Borough and Wisner, et al. Motion for Class Certification filed on September 25, 1989.

b. The general order in which argument on these motions will be argued shall be as follows:

- (1) Opening argument of plaintiffs proposing class certification;
- (2) Defendants' argument in opposition to class certification;

STIPULATION REGARDING
SCHEDULING OF ORAL ARGUMENT

-2-

GLE & GATES

80
1st 4th Avenue
Juneau, AK 99801
75-4557

- (3) Opposition argument of plaintiffs opposing class certification;
- (4) Opportunity for limited additional oral argument by defendants in response to new matters raised by plaintiffs' argument in opposition to class certification (§ 3); and
- (5) Reply argument of plaintiffs proposing class certification.

c. Time allowed for oral argument on these motions shall be allocated as follows:

- (1) Moving plaintiffs shall be allotted a total of no more than two hours for their presentation;
- (2) Opposing defendants shall be allotted a total of no more than two hours for presentation;
- (3) Other parties shall be allotted a total of one hour for their presentation, provided that if *amicus curiae* parties are allowed oral argument, then the total time for argument allotted for all other parties shall be one and one-half hours.

3. WEDNESDAY, FEBRUARY 26, 1990

a. 9:00 a.m. to 12:00 p.m. Defendant Alyeska's Rule 12(c) Motion for Judgment on the Pleadings, filed on February 26, 1990. A maximum of one and one-half hours will be allowed for oral argument on this matter.

STIPULATION REGARDING
SCHEDULING OF ORAL ARGUMENT

b. 1:30 p.m. to 3:30 p.m. Plaintiffs' Motion for Judgment on the Pleadings on the Issue of Liability Under AS 46.03.822, Strict Liability for the Discharge of Hazardous Substances, filed on April 10, 1990. A maximum of one hour side will be allowed for oral argument on this matter.

4. Regarding all motions, the parties may divide up their allotted time as they deem appropriate. No limit is set on the number or identity of attorneys per side or party who will be presenting oral argument on the motions.

5. Nothing agreed in this stipulation regarding the order of hearing, the pending motions, or presenting arguments on said motions, is intended to indicate the priority of the motions, the extent to which they are or are not interrelated, or the order in which the motions should be considered or decided by the Courts.

Dated: May 4, 1990. BOGLE & GATES

By Douglas J. Serdahely
Douglas J. Serdahely
Liaison Counsel for Defendants
and Co-Member of Defense
Coordinating Committee

STIPULATION REGARDING
SCHEDULING OF ORAL ARGUMENT

--4--

BOGLE & GATES

600
West 4th Avenue
Anchorage, AK 99501
276-4557

Dated: _____, 1990. BURN, PEASE & TITUS

By Richard A. C.
for Charles P. Flynn
Co-Member of Defendants'
Coordinating Committee

Dated: May 4, 1990.

DAVIS, WRIGHT & TREMAINE

By David W. Oesting
David W. Oesting
Co-Lead Counsel for Plaintiffs

FILED
MAY 21 1990
UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
Deputy

ORDER

IT IS SO ORDERED.

Dated: _____, 1990.

Honorable H. Russel Holland
United States District Court Judge

Registered. New steps to be filed

cc: E. Serdahely
H. Kuskin
M. Miller

STIPULATION REGARDING
SCHEDULING OF ORAL ARGUMENT

OGLE & GATES

600
1000 5th Avenue
Anchorage, AK 99501
272-4777

Douglas J. Serdahely
 Liaison Counsel for Defendants
 and Co-Member of Defendants'
 Coordinating Committee
 Bogle & Gates
 1031 West 4th Avenue, Suite 600
 Anchorage, Alaska 99501
 (907) 276-4557

Charles P. Flynn
 Co-Member of Defendants'
 Coordinating Committee
 Blair, Pease & Kartz
 810 N Street
 Anchorage, Alaska 99501
 (907) 276-6100

David W. Oesting
 Co-Lead Counsel for Plaintiffs
 David, Wright & Tremaine
 550 West 7th Avenue, Suite 1450
 Anchorage, Alaska 99501
 (907) 276-4488

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ALASKA

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

RE: ALL CASES

AFFIDAVIT OF SERVICE

STATE OF ALASKA)	
	:	ss.
THIRD JUDICIAL DISTRICT)	

Joy C. Stoveken, being duly sworn, upon oath, dep
 says that she is employed as a legal secretary in the office
 of Bogle & Gates, 1031 West 4th Street, Suite 600, Anchorage,

AFFIDAVIT OF SERVICE

Bogle & Gates

1000
 West 5th Avenue
 Anchorage, AK 99501
 276-4557

Alaska 99501; that she has served the Stipulation of All Plaintiffs and All Defendants Regarding Scheduling of Oral Argument on Certain Motions, and Proposed Order upon Lloyd Benton Miller, Sonosky, Chambers, Sachse & Miller, 900 West Fifth Avenue, Suite 706, Anchorage, Alaska 99501 as plaintiffs' Liaison Counsel pursuant to Pretrial Order No. 9, Liaison Counsel, section (2), dated December 22, 1989, and courtesy copies sent, on May 1, 1990 via hand delivery or U.S. Mail, postage prepaid, to the following attorneys:

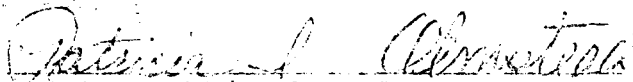
David W. Oesting, Esq.
Davis, Wright & Tremaine
550 West Seventh Avenue
Suite 1450
Anchorage, Alaska 99501

Jerry S. Cohen, Esq.
Cohen, Milstein, Hausfeld & Toll
1401 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005



Joy C. Stevenson

SUBSCRIBED AND SWORN to before me
this 4th day of May, 1990



Notary Public for Alaska
My Commission Expires: 5-11-93

OGLE & GATES

te 600
1 West 4th Avenue
Anchorage, AK 99501

978-437

ACCEPTANCE OF SERVICE

-2-

FILED

MAY 10 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
Rv Deputy

Douglas J. Serdahely
Bogle & Gates
1031 West 4th Avenue, Suite 600
Anchorage, Alaska 99501
(907) 276-4557
Attorneys for defendant
Exxon Shipping Company (D-2)

William M. Bankston
Bankston & McCollum
550 West 7th Avenue, Suite 1800
Anchorage, Alaska 99501
(907) 276-1711
Attorneys for defendant
Exxon Corporation (D-1)

Randall J. Weddle
Faulkner, Banfield, Doogan & Holmes
550 West 7th Avenue, Suite 1000
Anchorage, Alaska 99501
(907) 274-0666
Attorneys for defendant
Exxon Pipeline Company (D-10)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

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

RE: A89-095, A89-135, A89-136, A89-139
A89-144, A89-238 AND A89-239

EXXON DEFENDANTS' (D-1, D-2 AND D-10) OPPOSITION TO
CLASS ACTION PLAINTIFFS' (P-1, P-3, P-8, P-9 THROUGH
P-19, P-21, P-22, P-24 THROUGH P-28, P-40 THROUGH P-44,
P-46, P-48, P-50, P-52, P-54 THROUGH P-62, P-64 THROUGH
P-67, P-73 THROUGH P-80, P-95, P-96, P-112, P-113, P-116,
P-118, P-120, P-122, P-124, P-126, P-128, P-130, P-132,
P-135 THROUGH P-147, P-167, P-168, P-189, P-195, P-196, P-202
THROUGH P-206, P-246, P-247 and P-267) MOTION TO STRIKE
SUPPLEMENTAL AFFIDAVIT OF RICHARD T. HARVIN

BOGLE & GATES

Suite 600
31 West 4th Avenue
Anchorage, AK 99501
(907) 276-4557

918

Defendants Exxon Shipping Company (D-2), Exxon Corporation (D-1) and Exxon Pipeline Company (D-10) ("Exxon defendants") hereby oppose Class Action Plaintiffs' April 30, 1990 Motion to Strike Supplemental Affidavit of Richard T. Harvin. As the ensuing discussion indicates, plaintiffs' motion must be denied because the supplemental affidavit was necessitated by plaintiffs' presentation, for the first time, of extensive, new factual material with their class certification reply memoranda. Additionally, the interests of fairness and justice require a complete factual record for the Courts' consideration. Further, plaintiffs will not be prejudiced by the supplemental Harvin affidavit nor will the Courts or parties be inconvenienced by its submission. Finally, plaintiffs' motion to strike does not contend that the evidence set forth in the supplemental Harvin affidavit is inaccurate or misleading, but rather, merely argues that an absurdly narrow definition of the term "memoranda" in Judge Shortell's order and remarks in Judge Holland's order prohibit its submission.

PROCEDURAL HISTORY

This issue arises out of the parties' briefing relating to plaintiffs' three class certification motions filed in the fall of 1989.¹ Plaintiffs' initial set of memoranda offered in support

¹ The three motions for class certification are: (1) Class Action Plaintiffs' Motion for Class Certification filed on September 22, 1989; (2) Plaintiffs' [Region 37, Inlandboatmen's Union, et al.] Motion to Certify Class filed on September 22, 1989; and (3) Class Action Plaintiffs' Kodiak Island Borough and Wisner, et al. Motion for Class Certification filed on September 25, 1989.

of these motions essentially discussed civil rules, legal authorities and legal argument. Significantly, the memorandum failed to present any relevant supporting factual material.

Subsequent to class action discovery activity in late 1989 and early 1990, the Exxon defendants and other defendants filed All Defendants' Memorandum in Opposition to the Motions of Certain Plaintiffs for Class Certification on February 28, 1990. One exhibit attached to defendants' opposition was the Affidavit of Richard T. Harvin, which explained the operations of Exxon's claims program.

Plaintiffs filed their class certification reply memoranda on March 27 and 28, 1990.² Simultaneously, plaintiffs sought leave to file new evidentiary material--namely 24 affidavits--offered for the first time in connection with their reply memoranda.³

² See Class Action Plaintiffs' Reply Memorandum in Support of Motion for Class Certification Under Rules 23(b)(2) and 23(b)(3) filed in state court on March 27, 1990 and in federal court on March 28, 1990; Plaintiffs' Cannery Workers' Reply Memorandum in Support of Motion for Class Certification, filed in state court on March 27, 1990. The reply memoranda pertaining to mandatory punitive damages class issues and use and enjoyment plaintiffs are not applicable to the issues addressed herein.

³ Technically, class action plaintiffs filed their Motion to Permit Filing of Documentary Evidence with Reply Brief only in federal court, and apparently failed to file such motion in state court. Similarly, cannery worker plaintiffs failed to file any such motion with respect to the affidavits submitted with their reply memorandum.

Although defendants recognized that plaintiffs were asserting extensive new factual material and certain new legal theories and arguments with their reply memoranda, the Exxon and Alyeska defendants did not object to the Courts' consideration of such new material or move to strike the same so long as "defendants are given a fair opportunity to comment on new matters raised by this factual filing, and the new arguments raised for the first time in [plaintiffs'] reply briefs."⁴ At the same time, defendants jointly moved the Courts for leave to file supplemental responses to the new material presented in plaintiffs' reply memoranda.⁵ Accompanying this application was defendant Alyeska's Rebuttal Brief in Opposition to Plaintiffs' Motion for Class Certification, which was filed on April 13, 1990. Due to a delay occasioned by logistic difficulties, Exxon defendants' supplemental Harvin affidavit was submitted on April 19, 1990.

On April 17, 1990, Judge Shortell granted defendants' Motion for Leave to File Supplemental Memoranda. Exhibit A, hereto. Three days later, perhaps being unaware of defendants'

⁴ See Joint Conditional Opposition of Exxon Defendants and Alyeska Defendants to Certain Plaintiffs' Motion for Leave to File Additional Factual Material, dated April 13, 1990, at 2.

⁵ See Joint Motion of Exxon Defendants and Alyeska Defendants for Leave to File Supplemental Memoranda Concerning Class Certification, and supporting memorandum, dated April 13, 1990.

application for leave to file supplemental responses, Judge Holland granted plaintiffs' motion for leave to file documentary evidence with their reply briefs.⁶ Exhibit B, hereto.

Shortly after the submission of Exxon Defendants' Supplemental Memorandum Concerning Class Certification, plaintiffs moved on April 30, 1990 to strike Exxon defendants' supplemental affidavit of Richard T. Harvin, necessitating the submission of the instant opposition memorandum.

DISCUSSION

I. The Submission of the Supplemental Harvin Affidavit is Necessitated by Plaintiffs' Presentation of New Factual Material with Their Reply Memorandum.

In a classic "sandbag" technique, class action plaintiffs waited until the filing of their class certification reply memoranda to raise, for the very first time, extensive new evidentiary material along with certain new legal theories and arguments. Thus, class action plaintiffs filed, along with their reply memoranda, the following 17 affidavits in both state and federal court:

1. Kenneth L. Adams (attorney, Dickstein, Shapiro & Morin)
2. Jeff Bailey (co-owner, Killer Whale Cafe, Cordova; not class representative; not deposed)
3. Barbara Blasco (attorney, City and Borough of Juneau)

⁶ The Joint Motion of Exxon Defendants and Alyeska Defendants for Leave to File Supplemental Memoranda Concerning Class Certification, filed in federal court on April 13, 1990, has never been ruled on.

4. David Clarke (commercial fisherman; class representative for Prince William Sound Seiners Association; deposed)
5. Charles S. Crandall (attorney, Milberg, Weiss, Bershad representing Thorne)
6. R. Everett Harris (attorney, Jensen, Harris & Roth representing City of Cordova)
- 7-8. Matthew D. Jamin (12/22/89 and 3/25/90) (attorney, Jamin, Ebell, Bolger & Gentry representing Wisner, Grothe, Old Harbor, Karluk Lodge and Kodiak Island Borough)
9. David J. King (fisherman; not class representative; not deposed)
10. Linden O'Toole (owns seine vessel; husband has commercial fishing entry permit; not class representative; not deposed)
11. Dan Ogg (setnetter, Kodiak Fishermen's Working Group; not class representative, not deposed)
12. Geoffrey Parker (attorney, Adler, Jameson & Claraval, representing Sport Fishermen Association)
13. Thea Thomas (gillnetter; not class representative; not deposed)
14. Fred Torrisi (attorney, City of Dillingham)
15. Bob VanBrocklin (Cordova business owner, not deposed)
16. Philip R. Volland (attorney, City of Togiak)
17. John G. Young (attorney, Weinstein, Hacker, Matthew & Young)

Significantly, of the foregoing 17 affidavits, only one affiant, David Clarke, was identified as a class representative and made available to defendants for a deposition during the

BOGLE & GATES

Suite 600
 1031 West 4th Avenue
 Anchorage, AK 99501
 (907) 276-4557

allotted class action discovery period. Six other affiants (Bailey, King, O'Toole, Ogg, Thomas and VanBrocklin) are claimants who were not identified as class representatives or made available for discovery. Likewise, the remaining affidavits are from counsel representing various claimants and class representatives (Adams, Blasco, Crandall, Harris, Jamin, Parker, Torrissi, Volland and Young) who were, of course, also not available for depositions.

Similarly, the cannery worker plaintiffs submitted, along with their reply memorandum filed in state court, the following additional seven affidavits:

1. Michael Withey (attorney, Schroeter, Goldmark & Bender representing cannery worker plaintiffs)
2. Teri Mast (cannery worker; class representative; deposed)
3. Robert H. Gibbs (attorney, Gibbs, Douglas, Theiler & Drachler representing cannery workers)
4. Mark Coles (cannery worker; class representative; deposed)
5. Becky Quigley (cannery worker; not a class representative; not deposed)
6. Teresa Woody (cannery worker; not a class representative; not deposed)
7. Marianne Adkins (cannery worker; not a class representative; not deposed)

Of the foregoing seven affidavits, only two of the affiants (Mast and Coles) were identified as class representatives while three other cannery workers (Quigley, Woody & Adkins) were

BOGLE & GATES

Suite 600
331 West 4th Avenue
Anchorage, AK 99501
(907) 276-4557

never previously identified or made available for depositions. Additionally, two affiants were from counsel for the cannery workers (Withey and Gibbs) who were also unavailable for class discovery depositions.

Much of plaintiffs' new evidentiary material presented by the foregoing affidavits is an attempted factual attack on Exxon's claims program. This new evidence raised numerous inaccuracies and distortions about Exxon's claims program which necessitated a further, factual response. Accordingly, the supplemental affidavit of Harvin was submitted. Had plaintiffs raised their factual challenge to Exxon's claims program in their initial memoranda in support of their class certification motions--as they plainly could have, and should have, done--the Exxon defendants would have been able to respond thereto in the initial Harvin affidavit submitted with defendants' opposition memorandum. Plaintiffs' "sandbag" briefing tactic, however, now requires the submission of Exxon's factual response to plaintiffs' new evidentiary material.

II. The Interests of Fairness and Justice, and the Desirability of Having a Complete Factual Record, Require the Acceptance of the Supplemental Harvin Affidavit.

Plainly, the Alaska and Federal Rules of Civil Procedure, including rules governing the briefing of motions, are to be construed to promote "just" determinations of issues⁷ and may, in

⁷ See Rule 1 of the Alaska and Federal Rules of Civil Procedure.

order to promote the interests of justice, be relaxed as appropriate.⁸ Here, the interests of fairness and justice require allowing the Exxon defendants a fair opportunity to respond to the new evidentiary material initially raised by plaintiffs with their reply memoranda.

Similarly, the interests of justice also require the development of a complete evidentiary record upon which the trial courts and any appellate courts can adjudicate the class certification issues presented by the parties' briefing. Consistent with such interests, defendants have not objected to plaintiffs' new factual and legal material or moved to strike the same, but rather, have conditionally non-opposed the Courts' consideration of plaintiffs' new evidence so long as defendants are afforded a fair opportunity to respond to plaintiffs' submission. In the same spirit, the supplemental Harvin affidavit should be allowed to be submitted so that the Courts will have a complete record on which to consider the pending motions.

BOGLE & GATES

Suite 600
1031 West 4th Avenue
Anchorage, AK 99501
(907) 276-4557

⁸ See, e.g., Rule 94 of Alaska Rules of Civil Procedure.

Whatever weight or value, if any, the Courts may wish to accord such evidence is, of course, entirely within the Courts' discretion.⁹

III. Plaintiffs Will Suffer No Prejudice From the Courts' Consideration of the Supplemental Harvin Affidavit.

Plaintiffs cannot credibly contend that they will suffer prejudice if the Courts accept and consider the supplemental Harvin affidavit. Plaintiffs have had ample access to the details of Exxon's claims program from the outset of that program. Thus, the information contained in the supplemental Harvin affidavit

⁹ Nor is the submission of the supplemental Harvin affidavit precluded by the Courts' orders. See Exhibits A and B, hereto. Significantly, plaintiffs do not challenge the accuracy or substance of the evidence set forth in the supplemental Harvin affidavit, but rather, argue only that its submission is precluded by absurdly narrow constructions of terms used in certain orders. Compare Civil Rule 12(f) (authorizing motions to strike for "redundant, immaterial, impertinent, or scandalous matter" only).

The reference to the term supplemental "memoranda" in Judge Shortell's April 17, 1990 order (an order prepared and submitted by defendants) was not, in defendants' view, intended to be narrowly construed to mean memorandum of legal authorities and argument only, and not an "affidavit." Indeed, the Exxon defendants have refrained from reiterating any legal argument previously advanced in defendants' opposition memorandum in order to avoid any inconvenience to the Courts. Further, the 20-page Harvin affidavit complies with Judge Shortell's briefing limit and the Courts are free to give whatever weight they deem appropriate to the affiant's exhibits. Pursuant to Federal Local Rule 6(K), as well as by convention, attachments or exhibits to a memorandum are normally not included within a briefing page limitation.

Similarly, Judge Holland's April 20, 1990 order allowing the filing of plaintiffs' new documentary evidence merely affirms defendants' right to address such material at oral argument. The order does not adjudicate Exxon and Alyeska Defendants' Joint Motion for Leave to File Supplemental Memoranda Concerning Class Certification, which motion is still ripe for decision.

To the extent, however, that either or both of such orders is or are intended to preclude the submission of Exxon defendants' supplemental response, including the Harvin affidavit, the Exxon defendants respectfully request the Courts to reconsider such rulings in light of the arguments and considerations raised in the instant memorandum.

should not come as a surprise to plaintiffs. Rather, plaintiffs should be quite capable of addressing the Harvin affidavits and related Exxon claims program information at oral argument on the class certification motions.

Additionally, as plaintiffs are aware, defendants have previously indicated to plaintiffs' counsel that defendants will not object to any surrebuttal memorandum of plaintiffs offered in final response to Alyeska and Exxon's supplemental submissions, to the extent that the Courts desire any such additional briefing, so long as such surrebuttal memorandum is truly responsive to defendants' latest submissions and does not again raise new legal or factual materials. See letter of Douglas J. Serdahely to Alan Schulman dated April 20, 1990, attached hereto as Exhibit C.

Finally, the submission of the supplemental Harvin affidavit will not work any administrative inconvenience to the Courts or counsel for plaintiffs. Oral argument on plaintiffs' motions is presently scheduled for September 13, 1990 and accordingly, the Courts and counsel should have ample time to consider all of the parties' submissions and briefing on the class certification issues well in advance of the September hearing.

CONCLUSION

In short, the supplemental Harvin affidavit should be accepted and considered by the Courts because it was necessitated by the presentation of new factual material with plaintiffs' reply

BOGLE & GATES

Suite 600
331 West 4th Avenue
Anchorage, AK 99501
(907) 276-4557

memoranda. Moreover, submission of the affidavit is required by the interests of justice and fairness in order to provide the Courts with a complete evidentiary record herein. It is also clear that submission of the Harvin affidavit will work no prejudice upon the plaintiffs or inconvenience to the Courts or parties. Finally, plaintiffs' absurdly narrow constructions of Judge Shortell's order of April 17, 1990 and Judge Holland's Order of April 20, 1990, must be rejected. For each of these reasons, Class Action Plaintiffs' Motion to Strike the Supplemental Harvin Affidavit should be denied.

Respectfully submitted at Anchorage, Alaska this 10th
day of May, 1990.

BOGLE & GATES
Attorneys for defendant
Exxon Shipping Company (D-1)

By 
Douglas J. Serdahely

O'MELVENY & MYERS
Charles W. Bender
Patrick Lynch
John F. Daum

BANKSTON & McCOLLUM
Attorneys for defendant
Exxon Corporation (D-10)

By 
William M. Bankston

FAULKNER, BANFIELD, DOOGAN & HOLMES
Attorneys for defendant
Exxon Pipeline Company (D-10)

By 

Randall J. Weedle

BOGLE & GATES

Suite 600
131 West 4th Avenue
Anchorage, AK 99501
(907) 276-4557

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

EXXON VALDEZ OIL)
SPILL LITIGATION)
)
This Document Relates To:)
ALL CASES)
_____)

JAN-89-2533 Civil
(Consolidated)

APR 13 1990

ORDER GRANTING JOINT MOTION OF EXXON DEFENDANTS
AND ALYESKA DEFENDANTS FOR LEAVE TO FILE
SUPPLEMENTAL MEMORANDA CONCERNING CLASS CERTIFICATION

The Court, having reviewed the joint motion of Exxon defendants and Alyeska defendants for leave to file supplemental memoranda concerning class certification and the supporting memorandum, and it being fully advised in the premises,

IT IS SO ORDERED that permission to file such supplemental memoranda is hereby granted. *

Dated at Anchorage, Alaska this 17 day of April, 1990.

Brian Shortell
The Honorable Brian C. Shortell
Superior Court Judge

Exxon's supplemental memo shall be no longer than twenty pages long

I certify a copy of this Order was hand delivered to Bogle & Gates this 17th day of April, 1990.

Debbie Afford

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

U.S. DISTRICT
DISTRICT OF ALASKA

In re)
EXXON VALDEZ OIL SPILL LITIGATION)

Case No. A89-095 Civil
(Consolidated)

Re: Case Nos. A89-095, A89-117, A89-118, A89-140
A89-149, A89-238, A89-264, A89-446

MOTION FOR LEAVE TO FILE AMICUS STATEMENT


Comes now the State of Alabama, by and through its Attorney General, Don Siegelman, and hereby moves this Honorable Court to permit the filing of an Amicus Statement in support of Plaintiffs' Joint Memorandum of March 26, 1990.

In support of its motion the State of Alabama would represent unto this court that its interest in this action rests in its ability to effectively enforce its Water Pollution Control Act, Code of Alabama 1975, Section 22-22-1 et seq further, that a ruling adverse to the plaintiffs on the issue of preemption of state law by federal maritime common law would, by virtue of precedent, seriously impair the State of Alabama's efforts to preserve and protect its coast and navigable waters.

9/19

Respectfully submitted this the 20th day of May
1990.

JOHN SIEGELMAN
Attorney General
By:


ROBERT E. TAMBLING
Assistant Attorney General

DS/EDT/tjc
0743C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In re)
) Case No. A89-095 Civil
EXXON VALDEZ OIL SPILL LITIGATION) (Consolidated)
_____)

Re: Case Nos. A89-095, A89-117, A89-118, A89-140
A89-149, A89-238, A89-264, A89-446

ORDER

The State of Alabama is hereby given permission to file
an Amicus Statement in Support of Plaintiffs' Joint Memorandum
etc., of March 26, 1990.

ORDERED, this the _____ day of _____, 1990

DISTRICT COURT JUDGE

0748C

FILED

MAY 13 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
by _____ Deputy

LAW OFFICES OF DICK L. MADSON
712 8th Avenue
Fairbanks, Alaska 99701
(907) 452-4215

CHALOS, ENGLISH & BROWN, P.C.
300 East 42nd Street
New York, New York 10017
(212) 661-5440

Attorneys for Defendant D-7

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

IN RE:) Consolidated No. A89-095 CV
)
THE EXXON VALDEZ)
)

This Document Relates To: A89-0361

h

ANSWER OF DEFENDANT D-7, JOSEPH HAZELWOOD
TO COMPLAINT OF PLAINTIFF P-277, ERNEST W. POOLE

Defendant Joseph Hazelwood answers plaintiff's
Complaint as follows:

THE PARTIES

1. Answering paragraph 1, JOSEPH HAZELWOOD lacks
knowledge or information sufficient to form a belief as to the

truth of the allegations and therefore denies the allegations in paragraph 1.

2 - 5. Answering paragraphs 2 through 5, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraphs and therefore denies the allegations in paragraphs 2 through 5.

6. Answering paragraph 6, JOSEPH HAZELWOOD admits that he is a New York resident and was employed by Exxon Shipping, and further admits that his duties as master of the EXXON VALDEZ were within the scope of his employment by EXXON SHIPPING. Except as expressly admitted, JOSEPH HAZELWOOD denies the allegations in paragraph 6.

7 - 8. Answering paragraphs 7 and 8, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraphs and therefore denies the allegations in paragraphs 7 and 8.

DEFINITIONS

9. Answering paragraph 9, JOSEPH HAZELWOOD admits that plaintiff purports to state certain terms. Except as admitted, JOSEPH HAZELWOOD denies the allegations and further denies that any subsequent use of those terms in the complaint is necessarily accurate or appropriate.

10. Answering paragraph 10, JOSEPH HAZELWOOD adopts and incorporates by this reference his response to paragraph 9 as if set forth in full herein.

11. Answering paragraph 11, JOSEPH HAZELWOOD adopts and incorporates by this reference his response to paragraph 9 as if set forth in full herein.

12. Answering paragraph 12, JOSEPH HAZELWOOD adopts and incorporates by this reference his response to paragraph 9 as if set forth in full herein.

13. Answering paragraph 13, JOSEPH HAZELWOOD adopts and incorporates by this reference his response to paragraph 9 as if set forth in full herein.

FACTUAL ALLEGATIONS

14. Answering paragraph 14, JOSEPH HAZELWOOD denies, the allegations contained therein.

15. Answering paragraph 15, JOSEPH HAZELWOOD admits that on Thursday, March 23, 1989, the EXXON VALDEZ which is approximately 987 feet long and weighs approximately 211,469 deadweight tons, left the terminal facility of the Trans-Alaskan Pipeline System at the Port of Valdez, Alaska, and was bound for Long Beach, California. Except as expressly admitted, JOSEPH HAZELWOOD denies the allegations in paragraph 15.

16. Answering paragraph 16, JOSEPH HAZELWOOD admits that the vessel's eleven oil tanks were filled with approximately 53,000,000 gallons of North Slope crude oil which had been shipped through the Trans-Alaskan Pipeline. Except as expressly admitted, JOSEPH HAZELWOOD lacks knowledge and information sufficient to form a belief as to the truth of the allegations and therefore denies the allegations of paragraph 16.

17. Answering paragraph 17, JOSEPH HAZELWOOD admits that the EXXON VALDEZ passed through the harbor and Valdez Narrows

under the direction of a harbor pilot. Except as expressly admitted, JOSEPH HAZELWOOD denies the allegations in paragraph 17.

18. Answering paragraph 18, JOSEPH HAZELWOOD denies, as worded, the allegations contained therein.

19. Answering paragraph 19, JOSEPH HAZELWOOD admits that the U.S. Coast Guard gave the EXXON VALDEZ permission to leave the southbound shipping lane. Except as so admitted, JOSEPH HAZELWOOD denies the remaining allegations of paragraph 19.

20. Answering paragraph 20, JOSEPH HAZELWOOD denies the allegations contained therein.

21. Answering paragraph 21, JOSEPH HAZELWOOD admits that the EXXON VALDEZ ran aground on Bligh Reef, which punctured some of its tanks and damaged a portion of the hull. Except as expressly admitted, JOSEPH HAZELWOOD denies the allegations of paragraph 21.

22. Answering paragraph 22, JOSEPH HAZELWOOD denies the allegations contained therein.

23. Answering paragraph 23, JOSEPH HAZELWOOD admits the grounding cut open eight oil tanks, discharging approximately 11 million gallons of crude oil into Prince William Sound. Except as expressly admitted, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the allegations of paragraph 23.

24. Answering paragraph 24, JOSEPH HAZELWOOD denies, as worded, the allegations contained in paragraph 24.

25. Answering paragraph 25, JOSEPH HAZELWOOD lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies the allegations in paragraph 25.

26. Answering paragraph 26, JOSEPH HAZELWOOD lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies the allegations contained in paragraph 26.

ANSWER TO COUNT I

27. Answering paragraph 27, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 26 as if set forth in full herein.

28. Answering paragraph 28, JOSEPH HAZELWOOD leaves to this Honorable Court determination of the meaning of "hazardous substance" as defined in AS 46.03.826. JOSEPH HAZELWOOD therefore denies the allegations in paragraph 28.

29 -34. Answering paragraphs 29 through 34, JOSEPH HAZELWOOD is not required to respond to the allegations in paragraphs 29 through 34 and, if a response is required, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 29 through 34.

ANSWER TO COUNT II

35. Answering paragraph 35, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 34 as if set forth in full herein.

36 - 39. Answering paragraphs 36 through 39, JOSEPH HAZELWOOD is not required to respond to the allegations in paragraphs 36 through 39 and, if a response is required, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 26 through 39.

ANSWER TO COUNT III

40. Answering paragraph 40, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 39 as if set forth in full herein.

41. Answering paragraph 41, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies those allegations.

42. Answering paragraph 42, JOSEPH HAZELWOOD denies the allegations in paragraph 42 as they pertain to him. Insofar as the allegations concern the other defendants, JOSEPH HAZELWOOD is without information and knowledge sufficient to form a belief as to the truth of the remainder of the allegations and on that basis denies them.

43. Answering paragraph 43, JOSEPH HAZELWOOD does not believe that the allegations contained in paragraph 43 pertain to him; however, to the extent that they do, JOSEPH HAZELWOOD denies them, as worded.

44. Answering paragraph 44, JOSEPH HAZELWOOD does not believe the allegations in paragraph 44 pertain to him,

however, to the extent that they do, JOSEPH HAZELWOOD denies them.

45. Answering paragraph 45, JOSEPH HAZELWOOD admits that Gregory Cousins and Captain Hazelwood were employees of EXXON SHIPPING. Except as expressly admitted, JOSEPH HAZELWOOD denies, as worded, the allegations contained in paragraph 45.

46. Answering paragraph 46, JOSEPH HAZELWOOD denies the allegations in paragraph 46.

47. Answering paragraph 47, JOSEPH HAZELWOOD denies the allegations in paragraph 47.

48. Answering paragraph 48, JOSEPH HAZELWOOD denies, as worded, the allegations in paragraph 48.

49. Answering paragraph 49, JOSEPH HAZELWOOD denies the allegations in paragraph 49.

ANSWER TO COUNT IV

50. Answering paragraph 50, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 49 as if set forth in full herein.

51 - 54. Answering paragraph 51 through 54, JOSEPH HAZELWOOD is not required to respond to the allegations in paragraphs 51 through 54 and, if a response is required, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 51 through 54.

ANSWER TO COUNT V

55. Answering paragraph 55, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 54 as if set forth in full herein.

56 - 60. Answering paragraphs 56 through 60, JOSEPH HAZELWOOD is not required to respond to the allegations in paragraphs 56 through 60 and, if a response is required, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 56 through 60.

ANSWER TO COUNT VI

61. Answering paragraph 61, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 60 as if set forth in full herein.

62 - 64. Answering paragraphs 62 through 64, JOSEPH HAZELWOOD is not required to respond to the allegations in paragraphs 62 through 64 and, if a response is required, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 62 through 64.

ANSWER TO COUNT VII

65. Answering paragraph 65, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 64 as if set forth in full herein.

66 - 68. Answering paragraphs 66 through 68, JOSEPH HAZELWOOD is not required to respond to the allegations in paragraphs 66 through 68 and, if a response is required, JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 66 through 68.

ANSWER TO COUNT VIII

69. Answering paragraph 69, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 68 as if set forth in full herein.

70 - 71. Answering paragraphs 70 through 71, JOSEPH HAZELWOOD denies the allegations contained in paragraphs 70 through 71 as they pertain to him. JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in those paragraphs and on that basis denies them.

ANSWER TO COUNT IX

73. Answering paragraph 73, JOSEPH HAZELWOOD repeats and realleges his response to paragraphs 1 through 71 as if set forth in full herein.

74. Answering paragraph 74, JOSEPH HAZELWOOD denies the allegations contained therein as they pertain to him. JOSEPH HAZELWOOD lacks knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in those paragraphs and on that basis denies them.

ANSWER TO RELIEF SOUGHT

75. Answering plaintiff's prayer for relief, JOSEPH HAZELWOOD denies the entitlement of plaintiff to the relief he seeks.

GENERAL DENIAL

76. JOSEPH HAZELWOOD denies each and every other allegation contained in plaintiff's complaint that was not specifically admitted.

AFFIRMATIVE AND OTHER DEFENSES

1. Some or all of plaintiff's claim for damages may be barred or reduced by the doctrine of comparative negligence.
2. Each of plaintiff's theories of recovery fails to state a claim upon which relief can be granted.
3. Plaintiff's claims are barred to the extent they would represent recovery by two or more persons or entities for a part or all of the same economic loss, and thus would represent a multiple recovery for the same injury.
4. Plaintiff lacks standing to assert certain theories of recovery or to claim or recover damages based on the allegations of the complaint.
5. Plaintiff's claim for punitive damages are unconstitutional under the United States Constitution including, without limitation, Article I, Section 8; Amendment V; and Amendment XIV; and the Alaska Constitution including, without limitation, Article I, Section 7 and Article I, Section 12.
6. If punitive damages were to be awarded, or civil or criminal penalties assessed in any other lawsuit against JOSEPH HAZELWOOD relating to the oil spill, such award bars imposition of punitive damages in this action.
7. Certain claims asserted by plaintiff are not ripe for adjudication.
8. Plaintiff's claims for punitive damages are precluded by the Alaskan statutory scheme for civil and criminal penalties relevant to the oil spill.
9. Some or all of plaintiff's claims, including claims for punitive damages are pre-empted by the comprehensive system

of federal statutes and regulations, including its system of criminal and civil penalties, sanctions and compensatory and other remedies relevant to the oil spill, and its scheme relevant to the protection of subsistence interest.

10. The damages alleged, if any, were caused, in part, by the actions of others not joined as defendants herein as to whom a right of contribution or indemnity should exist as to JOSEPH HAZELWOOD. JOSEPH HAZELWOOD may seek leave of court to join such additional persons as third party defendants on the basis of further discovery.

11. The fund established under the Trans-Alaskan Pipeline Authorization Act, 43 USC Section 1653(c), may be strictly liable for some or all of the damages alleged by plaintiff. This action should not proceed in the absence of the funds joinder as defendant.

12. Certain theories of relief may not be maintained because those theories are based upon the exercise of the state and federal constitutional right to petition the state and federal governments with respect to the passage and enforcement of laws.

13. Any injury or loss suffered by plaintiff was caused by the negligence or willful conduct of persons or entities over whom JOSEPH HAZELWOOD had no control and for whose acts JOSEPH HAZELWOOD is not liable or responsible.

14. At all relevant times, JOSEPH HAZELWOOD has acted pursuant to government approval, direction and supervision and has no liability to plaintiff for any acts or alleged omissions undertaken with such approval, direction or supervision.

15. The amount of liability for the acts alleged in the complaint is controlled by statute including, without limitation, 43 USC §1653(c) and Alaska Statute AS 09.17.010, .060 and .080(d).

16. Plaintiff's claims are based on an alleged maritime tort and therefore are subject to applicable federal admiralty limits on recovery of damages for remote economic loss unaccompanied by physical injury to person or property.

17. At all relevant times, JOSEPH HAZELWOOD acted as an agent for a disclosed principal, EXXON SHIPPING COMPANY, which at all relevant times was known to plaintiff.

18. JOSEPH HAZELWOOD is entitled to a set-off to the extent of any failure of plaintiff to properly mitigate his damages.

19. Upon information and belief, EXXON SHIPPING AND EXXON CORPORATION is paying many claims for economic loss allegedly caused by the oil spill, and incurring other expenses in connection with the oil spill. JOSEPH HAZELWOOD is entitled to a set-off in the full amount of all such payments in the event that plaintiff's claims encompass such expenditures.

20. Upon information and belief, numerous persons and entities have filed lawsuits relating to the oil spill, some of whom purport to represent plaintiff in this action. In the event of any recovery in such other lawsuits by persons whose claims therein are encompassed by this action, JOSEPH HAZELWOOD is entitled to a set-off in the full amount of such payments.

21. The Court lacks personal jurisdiction over the defendant, JOSEPH HAZELWOOD.

22. Plaintiff's complaint should be dismissed because JOSEPH HAZELWOOD is immune from service of process in this action pursuant to Alaska Statute §12.70.230.

23. JOSEPH HAZELWOOD is entitled to a set-off in the amount of any payment received by plaintiff as a result of the oil spill, the containment or clean up of the oil released from the EXXON VALDEZ, or other activities or matters related to the oil spill.

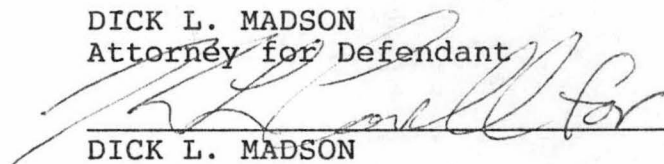
24. JOSEPH HAZELWOOD is entitled to a set-off to the extent of any restitution ordered in any criminal action against him.

WHEREFORE, defendant, JOSEPH HAZELWOOD, prays for judgment against plaintiff as follows:

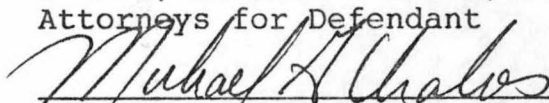
1. That plaintiff take nothing by his complaint;
2. That the complaint be dismissed with prejudice;
3. That JOSEPH HAZELWOOD receive payment of costs of suit incurred herein, including attorney's fees; and
4. That^h the court award such other and further relief as it may deem just and proper.

Dated: New York, New York
April 20, 1990

DICK L. MADSON
Attorney for Defendant


DICK L. MADSON
712 8th Avenue
Fairbanks, Alaska 99701
(907) 452-4215

CHALOS, ENGLISH & BROWN, P.C.
Attorneys for Defendant


MICHAEL G. CHALOS, ESQ.
300 East 42nd Street
New York, New York 10017
(212) 661-5440

CERTIFICATE OF SERVICE

I, KIMBERLEE R. VANDERHOOF, do hereby certify that on this 3rd day of May, 1990, I served a true and correct copy of Answer Of Joseph Hazelwood To Complaint Dated May 2, 1989, Case Number A89-0361, upon:

ROBERT COWAN
Cowan & Gerry
909 Cook Avenue
Kenai, AK 99611

LLOYD BENTON MILLER
Sonosky, Chambers
900 W. 5th Ave., #700
Anchorage, AK 99501

and

DOUGLAS J. SERDAHELY
Bogle & Gates
1031 W. 4th Ave., Suite 600
Anchorage, AK 99501

DATED: 05/03/90

By: 
KIMBERLEE R. VANDERHOOF

FILED

MAY 18 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By _____ Deputy

Douglas J. Serdahely
Liaison Counsel for Defendants
and Co-Member of Defendants'
Coordinating Committee
Bogle & Gates
1031 West 4th Avenue, Suite 600
Anchorage, Alaska 99501
(907) 276-4557

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In re)
))
the EXXON VALDEZ)
))
_____))

Case No. A89-095 Civil
(Consolidated)

RE: ALL CASES

CERTIFICATE OF COUNSEL

The undersigned swears upon oath that service of the following Orders has been made upon all defense counsel of record.

Order granting Defendants' (D-3, D-9, D-11, D-12, D-14, D-19 through D-21) Motion for Leave to File Overlength Reply Memorandum Regarding Their Motion for Judgment on the Pleadings

Dated: May 14, 1990

Minute Order

Dated: May 14, 1990

Dated: May 18, 1990

By Douglas J. Serdahely
Douglas J. Serdahely

BOGLE & GATES

1031 West 4th Avenue
Anchorage, AK 99501
(907) 276-4557

CERTIFICATE OF COUNSEL

-1-

92

924

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA.

In re)	
)	Case No. A89-095 Civil
EXXON VALDEZ OIL SPILL LITIGATION)	(Consolidated)
_____)	

Re: Case Nos. A89-095, A89-117, A89-118, A89-140
A89-149, A89-238, A89-264, A89-446

AMICUS STATEMENT IN SUPPORT OF JOINT MEMORANDUM
FOR PLAINTIFFS IN OPPOSITION TO ALYESKA DEFENDANTS'
MOTION FOR JUDGMENT ON THE PLEADINGS AS TO PLAINTIFFS
SAID TO HAVE NO PHYSICAL IMPACT OR INJURY

Comes now the State of Alabama by and through its Attorney General, Don Siegelman, and hereby files this statement in support of plaintiffs' joint memorandum to dispute the Alyeska defendants' contention that federal common law displaces state water pollution liability laws. The State of Alabama's interest in the outcome of this litigation lies directly in its ability to independently enforce its Water Pollution Control Act, Code of Alabama 1975, §22-2-1, et seq., free from constraints imposed by federal maritime common law on federal causes of action. The State of Alabama, therefore, concurs with the plaintiffs' conclusions that principles of federal maritime common law do not preempt state laws aimed at protecting the environment from oil pollution.

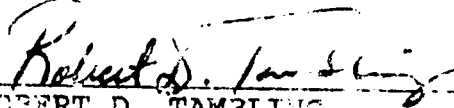
The area "of environmental regulation . . . has long be regarded as particularly suited to local regulation." Chevron v. Hammond, 726 F. 2d 482, 488 (9th Cir. 1984), Cert. denied 107 U.S. 1140 (1985). While local regulation might be displaced where national policy requires the application of a "uniform" admiralty law, it is clear that "there is no . . . dominant national interest in uniformity in the area of coastal environmental regulation." Id. at 493. This is amply reflected by congressional legislation on oil and hazardous substance pollution which both establishes a non-uniform federal law, and expressly recognizes that state laws in the area should not be preempted.¹

-As explained in the memorandums submitted by the plaintiff, federal oil spill liability law differs depending on whether the oil is North Slope crude. Sec 43 U.S.C. 1653 (the "Trans Alaska Pipeline Authorization Act"); 33 U.S.C. 1321 (the "Clean Water Act"). Further, Congress has recognized in the Clean Water Act and CERCLA that states would retain their traditional powers to impose liabilities in addition to those permitted under federal law. 33 U.S.C. 1321 (o) (2); ("Nothing in this section shall be construed as preempting any state . . . from imposing any requirement or liability with respect to the discharge of oil or hazardous substances into any waters within such state."); 42 U.S.C. 9614 (a) ("Nothing in this chapter shall be construed or interpreted as preempting any state from imposing any additional liability or requirements with respect to the release of hazardous substances within such state").

Defendants' motion to dismiss on preemption grounds
should, therefore, be denied.

Respectively submitted,

DON SIEGELMAN
Attorney General
By:


ROBERT D. TAMBLING
Assistant Attorney General

DS/RDT/07400

FILED
JUN 1 1990
UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
by _____ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In Re:)
))
EXXON VALDEZ)
_____)

No. A89-095 Civil

(Consolidated)

MASTER SERVICE LIST

AMENDED - June 1, 1990

This master service list will be distributed to liason counsel whenever it is amended; and liason 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.

929

COUNSEL FOR PLAINTIFFS'

P-1, P-3, P-8 thru P-12, P-16 thru P-18, P-202 thru P-206

Lewis Gordon
A. William Saupe
1130 W. Sixth Ave., Ste. 100
Anchorage, Ak 99501
907-276-4331

P-78 thru P-80, P-95, P-113 P-167 and P-168

Matthew D. Jamin
JAMIN, EBELL, BOLGER & GENTRY
323 Carolyn Street
Kodiak, Ak 99615
907-486-6024

P-30 thru P-39

John T. Hansen
HANSEN & LEDERMAN
711 H Street, Ste. 600
Anchorage, Ak 99501
907-258-4573

P-19, P-21, P-24, P-28, P-46, P-48, P-50, P-52, P-54 thru P-62, P-64, P-116, P-118, P-120, P-122, P-124 P-126, P-128, P-130, P-132, P-135 thru P-147, P-246, P-247 and P-267

Lloyd Benton Miller
SONOSKY, CHAMBERS, SACHSE & MILLER
900 W. 5th Avenue, Ste. 700
Anchorage, Ak 99501
907-258-6377

P-70

Donald Ferguson
3605 Arctic Blvd, #419
Anchorage, Ak 99503

P-13 thru P-15, P-22, P-40 thru P-73 thru P-76, P-114, P-115

John Pharr
733 W. 4th Avenue., Ste. 200
Anchorage, Ak 99501
907-272-2525

P-278

Kenneth M. Rosenstein
LYNCH, CROSBY & SISSON
550 W. 7th Ave., Ste 1100
Anchorage, Ak 99501
907-276-3222

P-43 and P-44, P-81 thru P-94

Timothy Petumenos
BIRCH, HORTON, BITTNER & CHEROT
1127 W. 7th Avenue
Anchorage, Ak 99501
907-276-1550

P-65 thru P-67

David Oesting
DAVIS, WRIGHT & JONES
550 W. 7th Ave., Ste 1450
Anchorage, Ak 99501
907-276-4488

P-277

Robert Cowan
P.O. Box 1681
Kenai, Ak 99611
(907)283-7187

P-268 thru P-276

Laurie Adams
Sierra Club Legal Defense Fund
P.O. Box 1681, 325 4th Street
Juneau, AK 99801
(907)586-2751

P-97 thru P-109 and P-111

Edward Reasor
6731 W. Dimond Blvd.
Anchorage, Ak 99502
907-243-6071

P-139 thru P-144,
P-201

Mark S. Bledsoe
BLEDSOE & KNUTSON
2525 Blueberry Road, Ste. 206
Anchorage, Ak 99503
907-272-5200

P-146 and P-147

Mark Moderow
880 N Street, Ste. 203
Anchorage, Ak 99501
907-277-5955

P-169

Donald Braun
VINDICO
P.O. Box 65
Unalaska, Ak 99685

P-280 and P-281

A. Lee Peterson
1113 W. Fireweed Lane, Ste 201
Anchorage, Ak 99503
(907)276-8330

P-77

David R. Millen
3845 Helvetia Drive
Anchorage, Ak 99508
907-561-2271

P-112

Randall Cavanaugh
310 K Street, Ste. 703
Anchorage, Ak 99501
907-276-8400

P-145

Charles Kasmar
KASMAR & SLONE
3003 Minnesota Drive, Ste. 301
Anchorage, Ak 99503
907-272-4471

P-165 and P-166

Wevley Shea
LOCKE & SHEA
500 L. Street, Ste 302
Anchorage, Ak 99501
907-229-2100

P-170 thru P-188

Michael Geraghty
STALEY, DELISIO, COOK & SHERRY
943 West 6th Avenue
Anchorage, Ak 99501
907-279-9574

COUNSEL FOR DEFENDANTS'

D-2, and D-6

Douglas Serdahely
BOGLE & GATES
1031 W. 4th Avenue, Ste. 600
Anchorage, Ak 99501
907-276-4557

D-3, D-9, D-11, D-12, D-14,
D-20, D-21

Charles Flynn
BURR, PEASE & KURTZ
810 N Street
Anchorage, Ak 99501
907-276-6100

D-4

Clifford Groh, Sr.
GROH, EGGERS & PRICE
2550 Denali Street, 17th Floor
Anchorage, Ak 99503
907-272-6474

D-10

John Clough III
FAULKNER, BANFIELD, DOOGAN & HOLMES
550 W. 7th Ave., Ste 1000
Anchorage, Ak 99501
907-274-0666

D-16 and D-19

John Conway
ATKINSON, CONWAY & GAGNON
420 L. Street, Fifth Floor
Anchorage, Ak 99501-1989
907-276-1700

D-8

Robert Richmond
RICHMOND & QUINN
135 Christensen Drive
Anchorage, Ak 99501
907-276-5727

D-1

William Bankston
BANKSTON, MCCOLLUM & FOSSEY
550 W. 7th Ave., Ste 1800
Anchorage, Ak 99501
907-276-1711

D-7

Dick L. Madson
712 8th Avenue
Fairbanks, Ak 99701
907-452-4215

SPECIAL DISCOVERY MASTER

David Ruskin
1031 West 4th Avenue, Ste 500
Anchorage, Ak 99501
(907)277-1711

- | | | | | |
|--------------------|----------------|--|-----------------|---|
| A89-095 | P-1 | 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 |
| | P-3 | SAGAYA CORP., | D-3 | ALYESKA PIPELINE SERVICE CO., |
| | P-4 | McMURREN, WILLIAM #560 | D-4 | TRANS-ALASKA PIPELINE LIABILIT |
| | P-5 | McMURREN, PATRICK L. #560 | D-5 | EXXON CO., USA, #560 |
| | P-6 | KING, WILLIAM W. #560 | D-6 | EXXON VALDEZ, her engines, tac |
| | P-7 | NORRIS, GEORGE G. #560 | | equipment and appurtenances, i |
| | P-8 | CRANZ, HUNTER, | D-7 | HAZELWOOD, JOSEPH, an individu |
| | P-9 | FEENSTRA, RICHARD, | D-8 | COUSINS, GREGORY, an individua |
| | P-10 | AK WILDERNESS SAILING SAFARIS, | D-9 | NELSON, GEORGE |
| | P-11 | SEAFOOD SALES, INC., | D-10 | EXXON PIPELINE CO., a Delaware |
| A89-095 | P-12 | RAPID SYSTEMS PACIFIC, LTD. | D-11 | AMERADA HESS CORP., |
| A89-096 | P-13 | CRUZAN FISHERIES, INC., | D-12 | ARCO PIPE LINE CO., |
| | P-14 | GROVE, STANLEY NORRIS, | D-13 | BRITISH PETROLEUM PIPELINES, H |
| | P-15 | GROVE, ANTHONY, | D-14 | MOBIL ALASKA PIPELINE CO., |
| A89-099 | P-16 | CORDOVA DISTRICT FISHERMAN | D-15 | PHILLIPS PETROLEUM CO., #530 |
| A89-095 | | UNITED, INC., an Alaska corp., | D-16 | SOHIO ALASKA PIPELINE CO., |
| | P-17 | PRINCE WILLIAM SOUND AQUA- | D-17 | UNION ALASKA PIPELINE CO., #53 |
| | | 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)

FOR ATTORNEYS SEE ATTACHED SERVICE LIST

ATTORNEYS

- | | | | | |
|---------|-----------------|---|-----------------|-------------------------------------|
| | P-18 | CHESHER, ELMER J., | D-18 | MURPHY, EDWARD, |
| A89-102 | P-19 | SAMISH MARITIME, INC., ..A89-190 560 | D-19 | BP PIPELINES (ALASKA), INC., |
| A89-095 | P-20 | MID-WEST FISHERIES, INC. #560 A89-190 #560 | D-20 | PHILLIPS ALASKA PIPELINE CORP. |
| | P-21 | MCALLISTER, SCOTT | D-21 | UNOCAL PIPELINE CO. |
| A89-095 | P-22 | OLSEN, STEVEN T., | D-22 | ALASKA, STATE OF #316 |
| A89-103 | P-23 | MICHELLI, JACK, ..A89-190 #560 | D-23 | ALASKA, STATE OF, DEPT. OF ENV |
| A89-095 | P-24 | McALLISTER, MICHAEL, ..A89-190 #560 | | CONSERVATION #316 |
| | P-25 | YOAKUM, CHARLOTTE, ..A89-190 #560 | D-24 | SOHIO PETROLEUM CO. #530 |
| | P-26 | JUDSON, LEE, ..A89-190 #560 | D-25 | EXXON TRANSPORTATION CO. |
| | P-27 | HUGHES, LANTZ, ..A89-190 #560 | | |
| | P-28 | McALLISTER, THOMAS S. | | |
| | P-29 | J & A ENTERPRISES, a Washington | | |
| | | Corp., ..A89-190 #560 | | |
| A89-106 | 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.,A89-149 | | |
| | P-37 | CORDOVA AIR SERVICE, INC. | | |
| | P-38 | DEW DROP, F/VA89-149 | | |

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STAT
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD
				JS-5
				JS-6

A89-107	P-39	DEBRA LEE, F/V,....A89-149
A89-095	P-40	BAKER, GRANT C.,
A89-108	P-41	BUTLER, ROBIN,
A89-109	P-42	CESARI, RICHARD,
	P-43	McCRUDDEN, PHILIP H.,...A89-199- # 277
	P-44	BISHOP, DENNIS,...A89-199 # 277
A89-110	P-45	NORTH PACIFIC RIM, INC., ...A89-174 #230
A89-095	P-46	EYAK NATIVE VILLAGE, ...A89-174 # 230
#619	P-47	EYAK NATIVE VILLAGE TRADITIONAL COUNCIL, ... A89-174 # 230
	P-48	NATIVE VILLAGE OF CHENEGA BAY, ...A89-174 # 230
#619	P-49	NATIVE VILLAGE OF CHENEGA BAY IRA COUNCIL, ...A89-174 # 230
	P-50	VILLAGE OF PORT GRAHAM, THE NATIVE VILLAGE OF PORT GRAHAM, ...A89-174
#619	P-51	THE VILLAGE OF PORT GRAHAM NATIVE VILLAGE OF PORT GRAHAM TRADITIONAL COUNCIL, ...A89-174 # 230
	P-52	ENGLISH BAY VILLAGE, THE NATIVE VILLAGE OF ENGLISH BAY, ...A89-174 # 230
#619	P-53	ENGLISH BAY VILLAGE TRADITIONAL THE NATIVE VILLAGE OF ENGLISH BAY NAN COUNCIL, TRADITIONAL COUNCIL, ...A89-174 # 230
	P-54	MOUNT MARATHON NATIVE ASSOC., INC., ...A89-174 # 230
	P-55	VALDEZ NATIVE ASSOC., INC., ...A89-174 # 230
	P-56	NICHOLS, AGNES, ...A89-174 # 230
	P-57	OLSEN, GILBERT, ...A89-174 # 230
	P-58	MAKARKA, HENRY, ... A89-174 # 230
	P-59	TOTEMOFF, JOHN M., ...A89-174 # 230
	P-60	TOTEMOFF, MAGGIE A., ...A89-174 # 230
	P-61	MAGANACK, WALTER SR., ...A89-174 # 230
	P-62	MAGANACK, WALTER JR., ... A89-174 # 230
	P-63	KVASNIKOFF, VINCENT, ...A89-174 # 230
	P-64	MELSHEIMER, JUANITA, ...A89-174 # 230
A89-111	P-65	THORNE, GERALD E.,.....A89-145- DKT # 517
A89-095	P-66	THORNE, GERALD D.,.....A89-145- # 517
	P-67	THORNE, CHARLES M.,.....A89-145- # 517
A89-117	P-68	SIGLER, W.B.T.J.,.....A89-118
	P-69	PIDGEON, STEPHEN,A89-118 #619
	P-70	FERGUSON, DONALD A.,A89-118
	P-71	WHITSON, JUDY FAYE, ...DKT # 752a
	P-72	LAY, MARLENE SHARON, ...DKT #835
A89-095	P-73	HOFMANN, DALE,
A89-125	P-74	HERSCHLEB, KENT,
A89-126	P-75	HERSCHLEB, JOHN,
A89-095	P-76	HERSCHLEB, ANNE,
A89-095	P-77	COPELAND, TOM,A89-189 DKT #614
A89-129	P-78	WISNER, HUGH R., ...A89-238
A89-135	P-79	DOOLEY, LARRY L., ...A89-238
A89-136	P-80	KODIAK ISLAND BOROUGH, ...A89-239
A89-138	P-81	CHUGACH ALASKA CORP., ...A89-198 # 290
	P-82	CHUGACH FOREST PRODUCTS, INC., an Alaska corp....A89-198 # 290
	P-83	CHUGACH DEVELOPMENT CORP., an Alaska corp....A89-198 # 290
	P-84	CHUGACH FISHERIES, INC., an Alaska corp., ...A89-198 # 290
	P-85	CHUGACH TIMBER CORP., an Alaska corp., ...A89-198 # 290
	P-86	BERING DEVELOPMENT CORP., an Alaska corp., A89-198 # 290
	P-87	TATITLEK CORP., an Alaska Native vil. ge corp....A89-198 # 290

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO
DATE	NR.	PLAINTIFFS	PROCEEDINGS	DEFENDANTS
		P-88 CHENEGA CORP., an Alaska Native Village corp.,...A89-198 # 290		
		P-89 CHN, INC., an Alaska corp.,...A89-198 # 290		
		P-90 EYAK CORP., an Alaska Native corp.,...A89-198 # 290		
		P-91 EYAK DEVELOPMENT INC., an Alaska corp.,...A89-198 # 290		
		P-92 EYAK TIMBER INC., an Alaska corp.,...A89-198 # 290		
		P-93 PORT GRAHAM CORP., an Alaska Native Village corp.,...A89-198 # 290		
		P-94 PORT GRAHAM DEVELOPMENT CORP., an Alaska corp.,...A89-198 # 290		
A89-139.....		P-95 OLD HARBOR NATIVE CORP.,...A89-238		
		P-96 GROTHE, LENHART, J., ...A89-238 #810		
A89-140.....		P-97 BUTCHER, C.N.,		
		P-98 STARITEIM, SCOTT,		
		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, #275		
A89-095		P-111 MCGUIRE, DENNIS,		
A89-141.....		P-112 DRIESSCHE, MARC VAN,		
A89-144.....		P-113 CLARKE, ED,		
A89-147.....		P-114 KOMPKOFF, DON,		
		P-115 TIEDMAN, FREDERICK M., SR.,		
A89-110.....		P-116 THE NATIVE VILLAGE OF TATITLEK,		
A89-095		P-117 THE NATIVE VILLAGE OF TATITLEK IRA COUNCIL, #619		
		P-118 THE ALASKA SEA OTTER COMMISSION		
		P-119 THE KODIAK AREA NATIVE ASSOC., INC., #619		
		P-120 THE SHOONAQ' TRIBE OF KODIAK,		
		P-121 THE SHOONAQ' TRIBE OF KODIAK TRIBAL COUNCIL, #619		
		P-122 THE NATIVE VILLAGE OF LARSEN BAY,		
		P-123 THE NATIVE VILLAGE OF LARSEN BAY TRADITIONAL COUNCIL, #619		
		P-124 THE NATIVE VILLAGE OF OLD HARBOR,		
		P-125 THE NATIVE VILLAGE OF OLD HARBOR TRADITIONAL COUNCIL, #619		
		P-126 THE NATIVE VILLAGE OF KARLUK,		
		P-127 THE NATIVE VILLAGE OF KARLUK I.R.A. COUNCIL, #619		
		P-128 THE NATIVE VILLAGE OF PORT LIONS,		
		P-129 THE NATIVE VILLAGE OF PORT LIONS TRADITIONAL COUNCIL, #619		
		P-130 THE NATIVE VILLAGE OF AKHIOK,		
		P-131 THE NATIVE VILLAGE OF AKHIOK TRADITIONAL COUNCIL, #619		

CIVIL DOCKET CONTINUATION SHEET
 DEFENDANT

DOCKET NO. _____

PAGE _____ OF _____

DATE	NR.	PLAINTIFFS	PROCEEDINGS
A89-140	P-132 THE NATIVE VILLAGE OF OUZINKIE,	
A89-095		P-133 THE NATIVE VILLAGE OF OUZINKIE TRADITIONAL COUNCIL,	#619
		P-134 HAARANSON, SVEN,	#619
		P-135 LIND, RONNY,	
		P-136 PANAMAROFF, ALLEN,	
		P-137 ELUSKA, DAVID SR.,	
		P-138 HARRIS, TESHIA,	
A89-165	P-139 ALASKAN SPORT FISHING ASSOC.,	
A89095		P-140 STANLEY, MICHAEL L.,	
		P-141 YATES, JEFF,	
		P-142 LEE, TONY,	
		P-143 TYGERT, ALLAN,	
		P-144 ELIAS, TOM,	
A89-095	P-145 McCRUDDEN, PHILIP G.	A89-271 #560
A89-166	P-146 GORDAOFF, KEITH H. ,	
A89-173	P-147 GORDAOFF, GEORGE, A. ,	
A89-095		P-148 LEASK, IRVING, #560	
A89-199	P-149 DORMAN, DAN,	"
		P-150 SEA VENTURES, INC.,	"
		P-151 PEDERSEN, RALPH,	"
		P-152 GOSHER, REX,	"
		P-153 NELSON, RAY,	"
		P-154 SWANSON, ROBERT,	"
		P-155 OWENS, CHARLES M.,	"
		P-156 GORMAN, KEVIN,	"
		P-157 BARCLAY, JAMES E.,	"
		P-158 SLOBODIN, JACK R.,	"
		P-159 YORK, GREG,	"
		P-160 MORRIS, ERIC D.,	"
		P-161 GRAY, WILLIAM S.,	"
		P-162 VAN, MARK,	"
		P-163 CHRISTIANSON, WILLIAM M.,	"
		P-164 MICHAELS, GARY R.,	"
			P-164a McALLISTER, FR SCOTT #560
A89-200	P-165 MAXWELL, ROBERT A.	
		P-166 MAXWELL, CAROL ANN	
A89-238	P-167 THE KARLUK LODGE, INC.,	
		P-168 KODIAK SALMON PACKERS, INC.,	
Intervenor	P-169 VINDICO, -----	PROPOSED INTERVENORS (granted
A89-264	P-170 ICICLE SEAFOODS, INC.,	DKT #307)
		P-171 ASTORIA WAREHOUSING, INC.,	
		P-172 PETER PAN SEAFOODS, INC.,	
		P-173 PENINSULA SALMON, INC.,	
		P-174 SEVEN SEAS CORP.,	
		P-175 OCEAN BEAUTY SEAFOODS, INC.,	
		P-176 OCEAN BEAUTY NORTHWEST, INC.,	
		P-177 WASHINGTON FISH & OYSTER CO.,	
		P-178 KING CRAB, INC.,	
		P-179 ST. ELIAS INVESTMENT CO., INC.,	
		P-180 OCEAN BEAUTY ALASKA, INC.,	
		P-181 PORTLAND FISH GROUP, INC.,	
		P-182 TRIDENT SEAFOODS CORP.,	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCK PAGE
DATE	NR.	PLAINTIFFS	PROCEEDINGS
A89-264.....	P-183	WARDS COVE PACKING CO.,	
	P-184	ALASKA BOAT CO.,	
	P-185	NORTH PACIFIC PROCESSORS, INC.,	
	P-186	ALEUTIAN DRAGON FISHERIES.,	
	P-187	NORTH COAST SEAFOOD PROCESSORS, INC.,	
	P-188	ELECTRO ENDS, INC.,	
A89-265.....	P-189	BABICH, RANDALL P.,	
A89-095	P-190	NOMBALAIS, LINDSEY,	#560
	P-191	BABIGH, STEFAN F.,	"
	P-192	NOLAN, THOMAS,	"
	P-193	NOLAN, DEBORAH,	"
	P-194	MORGAN, JAY R.,	"
	P-195	McLENAGHAN, MICHAEL,	
	P-196	CARROLL, ALBERT,	
	P-197	DAWSON, MICHAEL R.,	#560
	P-198	BJOLSTAD, JAN,	"
	P-199	KROETCH, JOHN H.	"
	P-200	McLENAGHAN, ALVIN N.,	"
A89-270.....	P-201	SELDOVIA NATIVE ASSN., INC.	
A89-297.....	P-202	PRINCE WILLIAM SOUND SEINERS ASSOC.	
A89-095	P-203	PRINCE WILLIAM SOUND SETNETTERS ASSOC.	
	P-204	HUTCHENS, FLOYD	
	P-205	MOORE, KENNETH	
	P-206	O'LEARY, MICHELLE HAHN	
A89-299.....	P-207	ALEXANDER, JASON	#560
A89-095	P-208	ANDERSON, EUGENE	"
	P-209	ANDERSON, DAVID	"
	P-210	ANDERSON, DEAN	"
	P-211	ANDERSON, MARVIN	"
	P-212	ANDERSON, RODNEY	"
	P-213	ANDRIESEN, ANDY	"
	P-214	BECK, MARK	"
	P-215	BECKER, CARL	"
	P-216	BRANDAL, ALEC	"
	P-217	BRANDAL, HENRY SR.	"
	P-218	BRIGGS, EUGENE	"
	P-219	BUMPUS, DONALD	"
	P-220	CARLSON, AXEL	"
	P-221	CARLSON, BERNARD	"
	P-222	CARLSON, CARL	"
	P-223	CARLSON, DALE	"
	P-224	CARLSON, EUGENE	"
	P-225	CARROLL, ALBERT -----	#634
	P-226	CRONK, MILTON	#560
	P-227	DAUGHERTY, ERNIE	"
	P-228	ERICKSON, GLARENCE	"
	P-229	GREGORIO, TONY	"
	P-230	GRUNERT, FRANK	"
	P-231	GRUNERT, MICHAEL	"
	P-232	HINDERER, WALLACE	"
	P-233	JAMESTOWN, MELINDA	"
	P-234	JOHNSON, PAUL	"

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES

DATE	NR.	PLAINTIFFS	PROCEEDINGS
A89-299 cont...	P-235	JONES, JOHN E.	#560
A89-095 cont...	P-236	JONES, MORRIS	"
	P-237	KALMAKOFF, ARNOLD	"
	P-238	KASHEVAROF, WILLIAM SR.	#560
	P-239	KOSBRUK, JOHN	#560
	P-240	KOPUN, ALOYS	"
	P-241	KOSBRUK, HARRY	"
	P-242	LOUNSBURY, BRETT	"
	P-243	McCALLUM, CHARLES	"
	P-244	MINAKER, HARRY	"
	P-245	NICHOLAS, SHERRI	"
	P-246	PEDERSEN, AUGUST JR.	
	P-247	PEDERSEN, A. DOUGLAS	
	P-248	SHANGIN, CLEMENTE	#560
	P-249	SHANGIN, RUSSELL	"
	P-250	SHANGIN, STEPHEN	"
	P-251	SHANGIN, EDGAR	"
	P-252	SIEMION, MATTHEW	"
	P-253	SKONBERG, CALVIN	"
	P-254	SKONBERG, GUY	"
	P-255	SKONBERG, KELVIN	"
	P-256	SKONBERG, ROY	"
	P-257	STEPANOFF, ANDREW	"
	P-258	STEPANOFF, OLEANA	"
	P-259	STEPANOFF, JACOB	"
	P-260	STEPANOFF, WALTER JR.	"
	P-261	SUYDAM, FLOYD	"
	P-262	SUYDAM, GLENN	"
	P-263	VanWINGERDEN, MARK	"
	P-264	VEERHUSEN, DAN	"
	P-265	YAGIE, JERRY	"
	P-266	YAGIE, MARVIN	"
	P-267	McCLENAGHAN, MIKE	
A89-359.....	P268	PRINCE WILLIAM SOUND CONSERVATION ALLIANCE	
	P269	ALASKA CENTER FOR THE ENVIRONMENT	
	P270	DEFENDERS OF WILDLIFE	
	P271	GREENPEACE U.S.A	
	P272	NATIONAL AUDUBON SOCIETY	
	P273	NATURAL RESOURCES DEFENSE COUNCIL	
	P274	NORTHERN ALASKA ENVIRONMENTAL CENTER	
	P275	SIERRA CLUB	
	P276	TRUSTEES FOR ALASKA	
A89-361.....	P277	POOLE, ERNEST	
A89-446.....	P278	THE COPPER RIVER FISHERMAN'S COOPERATIVE	
.89-139.....	P279	TIMBERLINE, INC....A89-238	
A90-211.....	P280	WATERFIELD ENGINEERING ASSOCIATED, INC.	
	P281	WATERFIELD, HENRY W.	

FILED

JUN 14 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By ell Deputy

Douglas J. Serdahely
Liaison Counsel for Defendants
and Co-Member of Defendants'
Coordinating Committee
Bogle & Gates
1031 West 4th Avenue, Suite 600
Anchorage, Alaska 99501
(907) 276-4557

Charles P. Flynn
Co-Member of Defendants'
Coordinating Committee
Burr, Pease & Kurtz
810 N Street
Anchorage, Alaska 99501
(907) 276-6100

Lloyd Benton Miller
Liaison Counsel for Plaintiffs
Sonosky, Chambers, Sachse & Miller
900 West Fifth Avenue, Suite 700
Anchorage, Alaska 99501
(907) 258-6377

David W. Oesting
Co-Lead Counsel for Plaintiffs
David, Wright & Tremaine
550 West 7th Avenue, Suite 1450
Anchorage, Alaska 99501
(907) 276-4488

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In re)
)
the EXXON VALDEZ)
)
)
)
_____)

Case No. A89-095 Civil
(Consolidated)

RE: ALL CASES

REVISED STIPULATION OF ALL PLAINTIFFS AND
ALL DEFENDANTS REGARDING SCHEDULING OF ORAL
ARGUMENT ON CERTAIN MOTIONS, AND PROPOSED ORDER

BOGLE & GATES

Suite 600
1031 West 4th Avenue
Anchorage, AK 99501
(907) 276-4557

932

All plaintiffs and all defendants, by and through their undersigned liaison, lead and/or coordinating counsel, hereby stipulate as follows:

1. Oral argument on the following motions shall be heard in a joint hearing before Judge Shortell and Judge Holland in Courtroom No. 2 at the U.S. Courthouse, 222 West 7th Avenue, on Thursday, September 13, 1990 at the times indicated below:

a. 9:00 a.m. to 10:30 a.m. Oral argument on the following plaintiffs' motions for class certification shall be heard between 9:00 a.m. and 10:30 a.m. on:

- (1) Class Action Plaintiffs' Motion for Class Certification filed on September 22, 1989;
- (2) Plaintiffs' [Region 37, Inlandboatmen's Union, et al.] Motion to Certify Class filed on September 22, 1989; and
- (3) Class Action Plaintiffs' Kodiak Island Borough and Wisner, et al. Motion for Class Certification filed on September 25, 1989.

b. The order in which argument on these motions will be argued and times allocated for each such argument shall be as follows:

- (1) Opening argument of plaintiffs proposing class certification (30 minutes);
- (2) Defendants' argument in opposition to class certification (30 minutes);

REVISED STIPULATION REGARDING
SCHEDULING OF ORAL ARGUMENT

-2-

BOGLE & GATES

Suite 600
1031 West 4th Avenue
Anchorage, AK 99501
(907) 276 4557

- (3) Opposition argument of plaintiffs opposing class certification (15 minutes); these parties shall divide up this time allocation between themselves as they deem appropriate;
- (4) Reply argument of plaintiffs proposing class certification (15 minutes).

c. 11:00 a.m. to 12:00 p.m. Oral argument of defendant Alyeska Pipeline Service Company's Rule 12(c) Motion for Judgment on the Pleadings, filed on February 26, 1990, shall be heard between 11:00 a.m. and 12:00 p.m. A maximum of 30 minutes per side will be allowed for oral argument on this matter. Time for any reply argument by the moving party shall be included within that party's 30-minute time allotment.

2. 2:30 p.m. to 3:30 p.m. Oral argument on Plaintiffs' Motion for Judgment on the Pleadings on the Issue of Liability Under AS 46.03.822, Strict Liability for the Discharge of Hazardous Substances, filed on April 10, 1990, shall be heard before Judge Shortell in Courtroom K, Superior Court, 300 K Street, Anchorage, Alaska 99501 on Thursday, September 13, 1990 at 2:30 p.m. to 3:30 p.m. A maximum of 30 minutes per side will be allowed for oral argument on this matter. Time for any reply argument by the moving parties shall be included within such parties' 30-minute time allotment.

BOGLE & GATES

Suite 600
1031 West 4th Avenue
Anchorage, AK 99501
(907) 276 4557

REVISED STIPULATION REGARDING
SCHEDULING OF ORAL ARGUMENT -3-

3. Regarding all motions, no limit is set on the number or identity of attorneys per side or party who will be presenting oral argument on the motions.

4. Nothing agreed in this stipulation regarding the order of hearing, the pending motions, or presenting arguments on said motions, is intended to indicate the priority of the motions, the extent to which they are or are not interrelated, or the order in which the motions should be considered or decided by the Courts.

Dated: June 14, 1990. BOGLE & GATES

By Douglas J. Serdahely
Douglas J. Serdahely
Liaison Counsel for Defendants
and Co-Member of Defendants'
Coordinating Committee

Dated: June 14, 1990. BURR, PEASE & KURTZ

By Charles P. Flynn
Charles P. Flynn
Co-Member of Defendants'
Coordinating Committee

BOGLE & GATES

1 Avenue
K 99501

REVISED STIPULATION REGARDING
SCHEDULING OF ORAL ARGUMENT -4-

t
a
re

31

Dated: June 14, 1990.

SONOSKY, CHAMBERS, SACHSE & MILLER

By

Lloyd Benton Miller
Liaison Counsel for Plaintiffs

Dated: June 14, 1990.

DAVIS, WRIGHT & TREMAINE

By

David W. Oesting
Co-Lead Counsel for Plaintiffs

FILED

JUN 19 1990

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

by _____ Deputy

ORDER

IT IS SO ORDERED.

Dated: 6/18, 1990.

Honorable H. Russel Holland
United States District Court Judge

cc: D. Ruskin
D. Serdahely
L. Miller

& GATES

REVISED STIPULATION REGARDING
SCHEDULING OF ORAL ARGUMENT

nt
:ka
ive

FILED
JUN 26 1990
UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
by _____ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In Re:)
))
EXXON VALDEZ)
_____)

No. A89-095 Civil

(Consolidated)

MASTER SERVICE LIST

AMENDED - June 26, 1990

This master service list will be distributed to liason counsel whenever it is amended; and liason 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.

943

COUNSEL FOR PLAINTIFFS'

P-1, P-3, P-8 thru P-12, P-16 thru
P-18, P-202 thru P-206

Lewis Gordon
A. William Saube
1130 W. Sixth Ave., Ste. 100
Anchorage, Ak 99501
907-276-4331

P-13 thru P-15, P-22, P-40 thru P-42
P-73 thru P-76, P-114, P-115

John Pharr
733 W. 4th Avenue., Ste. 200
Anchorage, Ak 99501
907-272-2525

P-78 thru P-80, P-95, P-113
P-167 and P-168

Matthew D. Jamin
JAMIN, EBELL, BOLGER & GENTRY
323 Carolyn Street
Kodiak, Ak 99615
▲ 907-486-6024

P-278

Kenneth M. Rosenstein
LYNCH, CROSBY & SISSON
550 W. 7th Ave., Ste 1100
Anchorage, Ak 99501
907-276-3222

P-30 thru P-39

John T. Hansen
HANSEN & LEDERMAN
711 H Street, Ste. 600
Anchorage, Ak 99501
907-258-4573

P-43 and P-44, P-81 thru P-94

Timothy Petumenos
BIRCH, HORTON, BITTNER & CHEROT
1127 W. 7th Avenue
Anchorage, Ak 99501
907-276-1550

P-19, P-21, P-24, P-28, P-46, P-48,
P-50, P-52, P-54 thru P-62, P-64,
P-116, P-118, P-120, P-122, P-124
P-126, P-128, P-130, P-132, P-135
thru P-147, P-246, P-247 and P-267

Lloyd Benton Miller
SONOSKY, CHAMBERS, SACHSE & MILLER
900 W. 5th Avenue, Ste. 700
Anchorage, Ak 99501
907-258-6377

P-65 thru P-67

David Oesting
DAVIS, WRIGHT & JONES
550 W. 7th Ave., Ste 1450
Anchorage, Ak 99501
907-276-4488

P-70

Donald Ferguson
3605 Arctic Blvd, #419
Anchorage, Ak 99503

P-277

Robert Cowan
P.O. Box 1681
Kenai, Ak 99611
(907)283-7187

P-268 thru P-276

Laurie Adams
Sierra Club Legal Defense Fund
P.O. Box 1681, 325 4th Street
Juneau, AK 99801
(907)586-2751

P-97 thru P-109 and P-111

Edward Reasor
6731 W. Dimond Blvd.
Anchorage, Ak 99502
907-243-6071

P-139 thru P-144,
P-201

Mark S. Bledsoe
BLEDSOE & KNUTSON
2525 Blueberry Road, Ste. 206
Anchorage, Ak 99503
907-272-5200

P-146 and P-147

Mark Moderow
880 N Street, Ste. 203
Anchorage, Ak 99501
907-277-5955

P-169

Donald Braun
VINDICO
P.O. Box 65
Unalaska, Ak 99685

P-280 and P-281

A. Lee Peterson
1113 W. Fireweed Lane, Ste 201
Anchorage, Ak 99503
(907)276-8330

P-77

David R. Millen
3845 Helvetia Drive
Anchorage, Ak 99508
907-561-2271

P-112

Randall Cavanaugh
310 K Street, Ste. 703
Anchorage, Ak 99501
907-276-8400

P-145

Charles Kasmar
KASMAR & SLONE
3003 Minnesota Drive, Ste. 301
Anchorage, Ak 99503
907-272-4471

P-165 and P-166

Roger Beaty
BEATY, DRAEGER, LOCKE & TROLL
1400 W. Benson, Ste 1
Anchorage, Ak 99503
907-276-2722

P-170 thru P-188

Michael Geraghty
STALEY, DELISIO, COOK & SHERRY
943 West 6th Avenue
Anchorage, Ak 99501
907-279-9574

P-282

C.R. Kennelly
STEPOVICH, KENNELLY & STEPOVICH
704 W. 2nd Ave., Ste 1
Anchorage, Ak 99501
(907)279-9352

COUNSEL FOR DEFENDANTS'

D-2, and D-6

Douglas Serdahely
BOGLE & GATES
1031 W. 4th Avenue, Ste. 600
Anchorage, Ak 99501
907-276-4557

D-3, D-9, D-11, D-12, D-14,
D-20, D-21

Charles Flynn
BURR, PEASE & KURTZ
810 N Street
Anchorage, Ak 99501
907-276-6100

D-4

Clifford Groh, Sr.
GROH, EGGERS & PRICE
2550 Denali Street, 17th Floor
Anchorage, Ak 99503
907-272-6474

D-10

John Clough III
FAULKNER, BANFIELD, DOOGAN & HOLMES
550 W. 7th Ave., Ste 1000
Anchorage, Ak 99501
907-274-0666

D-16 and D-19

John Conway
ATKINSON, CONWAY & GAGNON
420 L. Street, Fifth Floor
Anchorage, Ak 99501-1989
907-276-1700

D-8

Robert Richmond
RICHMOND & QUINN
135 Christensen Drive
Anchorage, Ak 99501
907-276-5727

D-1

William Bankston
BANKSTON, MCCOLLUM & FOSSEY
550 W. 7th Ave., Ste 1800
Anchorage, Ak 99501
907-276-1711

D-7

Dick L. Madson
712 8th Avenue
Fairbanks, Ak 99701
907-452-4215

SPECIAL DISCOVERY MASTER

David Ruskin
1031 West 4th Avenue, Ste 500
Anchorage, Ak 99501
(907)277-1711

2. Alyeska admits and alleges that it is a Delaware corporation with its principal place of business in Alaska, and that Alyeska is owned by seven companies, one of which is Exxon Pipeline Company. Alyeska admits that the Complaint purports to define the term "Exxon," but expressly denies that the use of such term in this paragraph or elsewhere in the Complaint is necessarily accurate or appropriate. Except as so admitted and alleged, Alyeska lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 2 and, therefore, Alyeska denies them.

3-7. Alyeska lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 3 through 7 and, therefore, Alyeska denies them.

8. Alyeska admits and alleges that, on the evening of March 23, 1989, the EXXON VALDEZ, laden with North Slope crude oil, left the southern terminal facility of the Trans-Alaska Pipeline System ("TAP") located at the Port of Valdez, Alaska; and further admits that Nuka Bay is a bay in the Kenai Peninsula. Alyeska denies the remaining allegations of paragraph 8, and further denies that it has damaged or is liable to plaintiffs in any amount or manner.

9. Alyeska lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 and, therefore, Alyeska denies them.

10. Alyeska admits and alleges that it submitted an oil spill contingency plan to the State of Alaska which the State of

Alaska, acting by and through its Department of Environmental Conservation, approved on or about June 11, 1987 for a term of three years ("the Contingency Plan"). A portion of the Contingency Plan provided for a response to spills in Prince William Sound ("The PWS Contingency Plan"). The PWS Contingency Plan specified an organizational structure for dealing with oil spills in Prince William Sound. It also provided for the maintenance by Alyeska of certain described response equipment and described a series of guidelines in connection with potential response efforts to certain hypothetical oil spills based upon assumed environmental and other conditions. The terms of the Contingency Plan and the PWS Contingency Plan speak for themselves. Except as so admitted and alleged, Alyeska denies the allegations of paragraph 10, and further denies that it is liable to plaintiffs in any amount or manner.

11-12. Alyeska admits that oil spilled from the EXXON VALDEZ impacted various shorelines. Except as so admitted, Alyeska denies the allegations of paragraphs 11 and 12 insofar as they pertain to Alyeska. Alyeska lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraphs 11 and 12 and, therefore, Alyeska denies them.

FIRST CAUSE OF ACTION

(Negligence)

13. Alyeska adopts and incorporates by this reference the responses to paragraphs 1 through 12, inclusive, of the Complaint as if set forth in full.

14. Alyeska denies the allegations of paragraph 14, and further denies that it is liable to plaintiffs in any amount or manner.

SECOND CAUSE OF ACTION

(Nuisance)

15. Alyeska adopts and incorporates by this reference the responses to paragraphs 1 through 14, inclusive, of the Complaint as if set forth in full.

16. Alyeska denies the allegations of paragraph 16, and further denies that it has damaged or is liable to plaintiffs in any amount or manner.

THIRD CAUSE OF ACTION

(Strict Liability)

17. Alyeska adopts and incorporates by this reference the responses to paragraphs 1 through 16, inclusive, of the Complaint as if set forth in full.

18. Alyeska denies the allegations of paragraph 18, and further denies that it has damaged or is liable to plaintiffs in any amount or manner.

FOURTH CAUSE OF ACTION

(Trespass)

19. Alyeska adopts and incorporates by this reference the responses to paragraphs 1 through 18, inclusive, of the Complaint as if set forth in full.

20. Alyeska denies the allegations of paragraph 20, and further denies that it has damaged or is liable to plaintiffs in any amount or manner.

FIFTH CAUSE OF ACTION

(Punitive Damages)

21. Alyeska adopts and incorporates by this reference the responses to paragraphs 1 through 20, inclusive, of the Complaint as if set forth in full.

22. Alyeska denies the allegations of paragraph 22, and further denies that there are any grounds for an award of punitive damages as against Alyeska.

FIRST SEPARATE AND ADDITIONAL DEFENSE

(Failure to State a Claim)

The Complaint and each purported Claim thereof fail to state a claim against Alyeska upon which relief can be granted.

SECOND SEPARATE AND ADDITIONAL DEFENSE

(Lack of Standing)

Plaintiffs lack standing to assert claims for relief on the grounds alleged in one or more of the causes of action set forth in the Complaint.

THIRD SEPARATE AND ADDITIONAL DEFENSE

(Setoff)

If plaintiffs receive payment in full or partial satisfaction of the claims described in this action, and in the event of any recovery against Alyeska herein, Alyeska is entitled to setoff in the full amount of such payments.

FOURTH SEPARATE AND ADDITIONAL DEFENSE

(Release, Accord and Satisfaction)

If plaintiffs receive payment in full or partial satisfaction of the claims described in this action and execute

releases of such claims, any such payments operate as an accord, satisfaction, and release of such claims, in whole or in part, and any such releases should bar such claims against Alyeska.

FIFTH SEPARATE AND ADDITIONAL DEFENSE

(Other Actions Pending)

Alyeska is informed and believes, and thereon alleges, that plaintiffs have filed, or are putative members of purported classes in, some or all of the plaintiffs' other actions in this Court and in other courts alleging claims for recovery for the damages or injuries alleged herein. Accordingly, Alyeska is entitled to an abatement of this action, or, in the event of any recovery by plaintiffs in such other actions as compensation for the damages or injuries alleged herein, to a setoff in the full amount of such recovery.

SIXTH SEPARATE AND ADDITIONAL DEFENSE

(Failure to Mitigate)

Alyeska is entitled to a reduction in any damages that may be awarded against it by virtue of, and to the full extent of, any failure by plaintiffs to mitigate damages.

SEVENTH SEPARATE AND ADDITIONAL DEFENSE

(Acts or Omissions of Third-Parties)

Any discharge of oil as alleged in the Complaint was caused solely by the acts or omissions of parties other than Alyeska who were not employees, agents, or otherwise under the control of Alyeska.

RR. PEASE
KURTZ
SSIONAL CORPORATION
810 N STREET
ORAGE. AK 99501
07) 276-6100

EIGHTH SEPARATE AND ADDITIONAL DEFENSE

(Acts at Direction of the Government)

Alyeska has no liability to plaintiffs for any acts or omissions undertaken at the direction of governmental authorities including, but not limited to, the United States Coast Guard and the Alaska Department of Environmental Conservation.

NINTH SEPARATE AND ADDITIONAL DEFENSE

(Conditions Beyond Control of Defendant)

Alyeska is not liable or otherwise responsible for any injury or damages resulting from any discharge of oil as alleged in the Complaint to the extent that such injury or damage resulted from, or could have been prevented but for, environmental and other conditions beyond the control of Alyeska that hindered, rendered ineffective, or prevented response efforts.

TENTH SEPARATE AND ADDITIONAL DEFENSE

(Acts of Third-Parties and

Conditions Beyond Control of Defendant)

Some or all of any alleged injury or harm resulting from the discharge of oil as alleged in the Complaint were caused solely by a combination of the acts of third-parties (including governmental authorities) and environmental and other conditions beyond the control of Alyeska that hindered, rendered ineffective, or prevented response efforts.

ELEVENTH SEPARATE AND ADDITIONAL DEFENSE

(No Liability for Nuisance)

Alyeska never owned nor operated the EXXON VALDEZ, did not own the oil discharged from the EXXON VALDEZ at the time of or immediately prior to the spill, and never discharged, caused to be

discharged, or permitted any discharge of oil as alleged in the Complaint. Therefore, Alyeska cannot be held liable for any claims of nuisance, whether arising under common law or statute.

TWELFTH SEPARATE AND ADDITIONAL DEFENSE

(Punitive Damages Unlawful and Unconstitutional)

The claims herein for punitive or exemplary damages should be denied because the award of such damages herein would be contrary to law and unconstitutional under various provisions of the United States Constitution and the Alaska Constitution including, without limitation, Article 1, Section 7, and Article 1, Section 12.

THIRTEENTH SEPARATE AND ADDITIONAL DEFENSE

(Applicable Law)

Certain claims of plaintiffs are barred or limited by the comprehensive system of federal statutes and regulations and by maritime and admiralty law.

FOURTEENTH SEPARATE AND ADDITIONAL DEFENSE

(Contributory Fault)

Plaintiffs were themselves at fault with respect to the matters alleged in the Complaint, and such contributory fault operates to reduce, in whole or in part, any right to recover herein.

FIFTEENTH SEPARATE AND ADDITIONAL DEFENSE

(Bill of Attainder)

To the extent, if any, that plaintiffs seek to impose liability on Alyeska based upon those portions of AS 46.03 that were enacted after the oil spill, those portions of AS 46.03 that

were enacted after the oil spill constitute an unlawful bill of attainder violative of Article 1, Section 10 of the United States Constitution, and if applied to Alyeska would also violate the due process clauses of the state and federal constitutions and the contract clause of the United States Constitution.

SIXTEENTH SEPARATE AND ADDITIONAL DEFENSE

(TAPA Fund Liability)

The Fund, established under the Trans-Alaska Pipeline Authorization Act, 43 U.S.C. Sec. 1653(c), may be strictly liable for some or all of the damages alleged by plaintiffs. This action should not proceed in the absence of joinder of the Fund as a defendant.

DATED: June 29, 1990

BURR, PEASE & KURTZ
CHARLES P. FLYNN
NELSON G. PAGE
810 N Street
Anchorage, Alaska 99501

MUNGER, TOLLES & OLSON
RONALD L. OLSON
WILLIAM D. TEMKO
355 South Grand Avenue
Los Angeles, California 90071

GIBSON, DUNN & CRUTCHER
ROBERT S. WARREN
LAWRENCE W. KEESHAN
ROBERT W. LOEWEN
WILLIAM D. CONNELL
310 K Street, Suite 401
Anchorage, Alaska 99501

Attorneys for Defendant
ALYESKA PIPELINE SERVICE COMPANY

By: 
Charles P. Flynn

BURR, PEASE
& KURTZ
PROFESSIONAL CORPORATION
810 N STREET
ANCHORAGE, AK 99501
(907) 276-6100

2726A:vkk

Charles P. Flynn, Esq.
BURR, PEASE & KURTZ
810 N Street
Anchorage, AK 99501
907/276-6100

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

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

Re Case No. A90-211

AFFIDAVIT OF SERVICE
ON BEHALF OF DEFENDANT D-3

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Linda S. Foley, an employee of Burr, Pease and Kurtz, 810 N Street, Anchorage, Alaska, being first duly sworn, states that on June 29, 1990, service of Answer of Defendant D-3 to Complaint has been made upon the counsel of record as follows: Robert L. Richmond, James D. Gilmore, Dick L. Madson, Clifford J. Groh, Daniel W. Krasner, John E. Hoffman, Jr., Frederick H. Boness, George N. Hayes and A. Lee Petersen (by regular mail); Lloyd Benton Miller, David W. Oesting and Douglas J. Serdahely (by hand-delivery); and to

373-45
CPF/lst

BURR, PEASE
& KURTZ
PROFESSIONAL CORPORATION
810 N STREET
ANCHORAGE, AK 99501
(907) 276-6100

Jerry S. Cohen (by Express Mail) based upon the court's Master Service List of June 1, 1990 at the addresses given on that list.

Linda S. Foley
Linda S. Foley

SUBSCRIBED and SWORN to before me this 29th day of June, 1990.

Nancy C. Krieger
NOTARY PUBLIC in and for Alaska
My Commission Expires: 3-11-93