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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

PETER MOSES GUTIERREZ, JR., *et al.*,

Plaintiffs,

vs.

AMPLIFY ENERGY CORP., *et al.*,

Defendants.

Case No. 8:21-CV-01628-DOC(JDEx)

**DECLARATION OF GRETCHEN  
EOFF REGARDING CLASS NOTICE  
PLAN IMPLEMENTATION**

Honorable David O. Carter

I, Gretchen Eoff, declare and state as follows:

1. I am a Senior Vice President of Operations of JND Legal Administration LLC (“JND”). The following statements are based on my personal knowledge and information provided to me by other JND employees working under my supervision and, if called on to do so, I could and would testify competently thereto.

2. JND is serving as the Settlement Administrator in the above-captioned litigation for the purposes of administering the Settlement Agreement, filed May 15, 2023, ECF No. 739-2 (“Settlement Agreement”) preliminarily approved by the Court in its Amended Order Granting Preliminary Approval of Proposed Settlement, filed June 16, 2023, ECF No. 751 (“Amended Preliminary Approval Order”).<sup>1</sup>

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<sup>1</sup> The Court initially entered the Order Granting Preliminary Approval of Proposed Settlement on June 12, 2023 in ECF No. 750, which was subsequently amended on June 16, 2023 in ECF No. 751.

1 3. JND previously filed a Declaration Regarding Proposed Shipping  
2 Defendants Settlement Notice Plan (“Intrepido-Bowden Declaration”) filed May 15,  
3 2023, ECF No. 739-5.<sup>2</sup> This Declaration is being filed to update the Court regarding  
4 Class Notice per Paragraph 13 of the Amended Preliminary Approval Order.

5 **NOTICE LIST COMPILATION**

6 4. As described below, JND combined, analyzed, de-duplicated, and  
7 standardized the data that it received from Interim Co-Lead Counsel (“Class Counsel”),  
8 publicly available data sources, including Orange County Landbase and data obtained  
9 from the Orange County Assessor’s office, and geographic mapping services to provide  
10 individual notice to virtually all Settlement Class Members.

11 5. The Waterfront Tourism Class Notice list was compiled using publicly  
12 available databases and geographic mapping services of the areas described in the Class  
13 definition. In addition, on September 20, 2022, Class Counsel provided JND an  
14 electronic file containing, among other information, the names of 262 businesses and  
15 vessels identified as Waterfront Tourism Class Members. After de-duplication and  
16 additional conferral with Class Counsel regarding Waterfront Class Members, as of July  
17 24, 2023, 1,322 Waterfront Tourism Class Members were identified (the “Waterfront  
18 Tourism Notice List”). This includes persons/entities in operation between October 2,  
19 2021 and December 31, 2021, who: (a) owned or worked on a sea vessel engaged in  
20 the business of ocean water tourism (including sport fishing, sea life observation, and  
21 leisure cruising) and accessed the water between the San Gabriel River and San Juan  
22 Creek in Dana Point; or (b) owned businesses that offered surfing, paddle boarding,  
23 recreational fishing, and/or other breach or ocean equipment rentals and/or lessons or  
24 activities, sold food or beverages, sold fishing bait or equipment, swimwear or surfing  
25 apparel, and/or other retail goods, or provided visitor accommodations south of the San  
26

27 \_\_\_\_\_  
28 <sup>2</sup> All capitalized terms not defined herein have the meanings given to them in the Intrepido-  
Bowden Declaration unless otherwise indicated.

1 Gabriel River, north of the San Juan Creek, and west of: (1) Highway 1 in Seal Beach;  
2 (2) Orange Avenue and Pacific View Avenue in Huntington Beach; and (3) Highway 1  
3 south of Huntington Beach. Waterfront Tourism Class Members do not need to submit  
4 anything to receive a distribution.

5 6. To identify members of the Fisher Class, JND examined data obtained by  
6 Class Counsel from the California Department of Fish and Wildlife (“CDFW”), which  
7 identified daily catch attributed to particular fishers, vessels, and processors. JND used  
8 this data to identify fishers, vessels, and processors with recorded catch within the  
9 fishing blocks and dates listed in the Fisher Class definition. Based on this process,  
10 JND identified 642 addresses for Fisher Class Members for notice (the “Fisher Notice  
11 List”)<sup>3</sup>. The CDFW data provided address information for these Class Members, which  
12 JND updated using data from the National Change of Address (“NCOA”)<sup>4</sup> database and  
13 skip-trace databases. Multiple addresses were identified for some Fisher Class  
14 Members. Fisher Class Members do not need to submit anything to receive a  
15 distribution.

16 7. The Real Property Class Notice list was compiled using publicly available  
17 databases including the Orange County Landbase and reports and data obtained from  
18 the Orange County Assessor’s office containing mailing information for the owners of  
19 units in condominiums or other multi-unit dwellings. Advanced address searches were  
20 used to confirm names associated with those real property addresses during the Class  
21 period. As of July 24, 2023, the Real Property Class Notice list consists of

22 \_\_\_\_\_  
23 <sup>3</sup> The number of Fisher Class Members currently identified based on detailed CDFW data,  
24 642, is fewer than the amount that was previously identified based on more generalized CDFW  
25 data. JND sent notice of the Shipping Defendant Settlement to Fisher Class Members who  
26 met the requirements of the Fisher Class definition based on the detailed CDFW data.

27 <sup>4</sup> The NCOA database is the official United States Postal Service (“USPS”) technology  
28 product which makes change of address information available to mailers to help reduce  
undeliverable mail pieces before mail enters the mail stream. This product is an effective tool  
to update address changes when a person has completed a change of address form with the  
USPS. The address information is maintained in the database for 48 months.

1 approximately 10,156 properties (the “Real Property Notice List”). Real Property Class  
2 Members do not need to submit anything to receive a distribution.

3 8. The Class Member data for all Notice lists identified above were promptly  
4 loaded into a database established for this Action.

5 **DIRECT MAIL NOTICE**

6 9. Per Paragraph 11 of the Amended Preliminary Approval Order, on July 24,  
7 2023, JND mailed the Waterfront Tourism Class Postcard Notice (“Waterfront Tourism  
8 Postcard Notice”) by USPS First-Class Mail, postage pre-paid, to the Waterfront  
9 Tourism Notice List. A representative copy of the Waterfront Tourism Postcard Notice  
10 is attached hereto as **Exhibit A**.

11 10. Per Paragraph 11 of the Amended Preliminary Approval Order, on July 24,  
12 2023, JND mailed the Fisher Class Postcard Notice (“Fisher Postcard Notice”) by USPS  
13 First-Class Mail, postage pre-paid, to the Fisher Notice List. A representative copy of  
14 the Fisher Postcard Notice is attached hereto as **Exhibit B**.

15 11. Per Paragraph 11 of the Amended Preliminary Approval Order, on July 24,  
16 2023, JND mailed the Real Property Class Postcard Notice (“Real Property Postcard  
17 Notice”) by USPS First-Class Mail, postage pre-paid, to the Real Property Notice List.  
18 A representative copy of the Real Property Postcard Notice is attached hereto as **Exhibit**  
19 **C**.

20 12. As of July 27, 2023, no notices have been returned undeliverable by the  
21 USPS. Per Paragraph 27 of the Intrepido-Bowden Declaration, JND will track all  
22 notices returned undeliverable by the USPS and promptly re-mail notices that are  
23 returned with a forwarding address. In addition, JND will also take reasonable efforts  
24 to research and determine if it is possible to reach a Class Member for whom a notice  
25 is returned without a forwarding address, either by mailing to a more recent mailing  
26 address or using available advanced address search tools to identify a new mailing  
27

1 address where the potential Class Member may be reached and will promptly re-mail  
2 notices where an updated address is located.

3 **DIRECT EMAIL NOTICE**

4 13. Per Paragraph 11 of the Amended Preliminary Approval Order, on July 24,  
5 2023, JND disseminated a summarized version by electronic mail of the Court-  
6 approved Fisher Class Email Notice (“Fisher Email Notice”) to 403 Fisher Class  
7 Member email addresses. A representative copy of the Fisher Email Notice is attached  
8 hereto as **Exhibit D**.

9 14. As of July 27, 2023, of the 403 Fisher Class Member email addresses sent  
10 Fisher Email Notice, 381 or 95% were deemed delivered and 22 or 5% were deemed  
11 undeliverable.

12 15. Because email addresses for Waterfront Tourism and Real Property Class  
13 Members were not available, Notice to the Waterfront Tourism Class and Real Property  
14 Class was issued by direct mail only as described in Paragraphs 9 and 11 above.

15 **DIGITAL NOTICE EFFORT**

16 16. To supplement the direct notice effort, JND implemented a robust and  
17 targeted digital notice effort.

18 17. The Fisher Class digital ads ran from July 10, 2023 through July 23, 2023  
19 on www.FishermensNews.com, the Google Display Network (“GDN”), Facebook,  
20 Instagram, and digital placements appeared in the July 11, 2023, July 13, 2023, July 18,  
21 2023, and July 20, 2023 issues of *National Fisherman* e-Newsletter, and the July 12,  
22 2023, and July 19, 2023 issues of *Fishermen’s News* e-Newsletter, for a total of six  
23 placements. More than 3,943,209 impressions, and a total of 84,146 e-Newsletter sends  
24 were delivered, 143,209 more impressions and 14,146 more sends than originally  
25 planned. The GDN effort targeted adults 25 years of age or older (“Adults 25+”) in Los  
26 Angeles and Orange Counties on websites/apps with topics such as fishing, boats and  
27  
28

1 watercraft and/or agriculture and forestry (Aquaculture). A portion of the impressions  
2 were also allocated towards Spanish language sites. The Facebook/Instagram activity  
3 targeted Adults 25+ in Los Angeles and Orange Counties whose job titles included  
4 “Farming, Fishing and Forestry” and/or “Commercial Fisherman,” as well as those with  
5 interests in National Ocean Service and National Oceanic and Atmospheric  
6 Administration.

7 18. The Real Property and Waterfront Tourism Class digital ads ran from July  
8 10, 2023 through July 23, 2023 on GDN, Facebook, Instagram, and iHeart audio  
9 streaming. A total of 4,931,659 impressions were delivered to Adults 25+ in  
10 Huntington Beach, Newport Beach, Dana Point, and Laguna, 931,659 more than  
11 originally planned.

12 19. Specifically for the Real Property Class, a portion of the GDN effort was  
13 allocated towards coastal zip codes, renters and/or homeowners, and Spanish language  
14 sites; a portion of the Facebook/Instagram activity was allocated towards homeowners;  
15 and a portion of the iHeart audio streaming was allocated to Spanish language radio  
16 formats.

17 20. Specifically for the Waterfront Tourism Class, a portion of the GDN effort  
18 was allocated towards those users with an affinity for beachbound travelers, water sports  
19 enthusiasts, boat and sailing enthusiasts, outdoor enthusiasts, city beach, surf shops, and  
20 water sports; a portion of the Facebook/Instagram activity was allocated towards those  
21 interested in Southern California, Visit California, Beaches, Surfing, Paddle Boarding,  
22 Sealife Centers, Seaside Resort, as well as those who work as an Aquatic Director or  
23 Specialist; and a portion of the iHeart audio streaming effort was allocated to those  
24 interested in travel/tourism and/or identify as outdoor enthusiasts.

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1           21. The digital activity was served across all devices (desktop, laptop, tablet,  
2 and mobile), with a heavy emphasis on mobile devices. The digital ads linked directly  
3 to the Settlement Website ([www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com)) where Class Members  
4 could learn more about the litigation and Settlement.

5           22. Screenshots of the digital notices as they appeared on GDN, Facebook,  
6 Instagram, iHeart streaming app, and *National Fisherman* and *Fishermen's News*  
7 websites and e-Newsletters, are attached hereto as **Exhibit E**. Copies of the iHeart  
8 audio streaming 30-second scripts in English and Spanish are attached hereto as **Exhibit**  
9 **F**.

10   **INTERNET SEARCH EFFORT**

11           23. Given that web browsers frequently default to a search engine page, search  
12 engines are a common source to get to a specific website (i.e., as opposed to typing the  
13 desired URL in the navigation bar). As a result, JND implemented an internet search  
14 effort to assist interested Class Members in finding the Settlement Website. When  
15 purchased keywords related to this case were searched, a paid ad with a hyperlink to the  
16 Settlement Website would sometimes appear on the search engine results page. The  
17 internet search effort ran from July 10, 2023 through July 23, 2023 serving 617 digital  
18 impressions.

19           24. Screenshots of the search ad as it appeared are attached hereto as **Exhibit**  
20 **G**.

21   **EARNED MEDIA**

22           25. To further assist in getting “word of mouth” out about the Settlement, on  
23 July 10, 2023, JND caused earned media to be distributed to approximately 1,000  
24 English and Spanish media outlets throughout California. An exact match of the earned  
25 media was picked up 326 times with a potential audience of 120 million.  
26  
27  
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1 26. Copies of the earned media as distributed in English and Spanish are  
2 attached hereto as **Exhibit H**.

3 **SETTLEMENT WEBSITE AND EMAIL ADDRESS**

4 27. Per Paragraph 12 of the Amended Preliminary Approval Order and  
5 Paragraphs 21 and 43 of the Intrepido-Bowden Declaration, JND established a  
6 Settlement-specific website (“Settlement Website”),  
7 [www.OCOilSpillSettlement.com/sds](http://www.OCOilSpillSettlement.com/sds), that allows Class Members to learn more about  
8 the litigation and Settlement. The “Home” page provides a summary of the proposed  
9 Settlement, key dates, and an overview of legal rights and options. An “Important  
10 Documents” page provides, in PDF format, copies of the Property Class Long Form  
11 Settlement Notice, Fisher Class Long Form Settlement Notice, in English, Spanish,  
12 Vietnamese, and Mandarin, Waterfront Tourism Class Long Form Settlement Notice,  
13 Settlement Agreement, Plaintiffs’ Notice of Motion and Motion for Preliminary  
14 Approval of Class Action Settlement and Direction of Notice Under Rule 23(e),  
15 Amended Preliminary Approval Order, and the [Proposed] Plans of Distribution for  
16 the Fisher Class, Real Property Class, and Waterfront Tourism Class. In addition, the  
17 “Fisher Class FAQs,” “Property Class FAQs” and “Waterfront Tourism Class FAQs”  
18 pages provide answers to frequently asked questions about each Settlement Class.  
19 There is also a separate “Key Dates” page noting important Settlement deadlines and  
20 a “Contact Us” page detailing how JND can be reached by email, toll-free telephone,  
21 and mail.<sup>5</sup> Copies of the Real Property Class, Fisher Class, and Waterfront Tourism  
22 Class Long Form Settlement Notices are attached hereto as **Exhibits I, J, and K**,  
23 respectively.  
24

25  
26  
27 <sup>5</sup> Per the Notice Plan, JND opened and maintains a dedicated Post Office Box for the  
28 Settlement.



1 28. As of July 27, 2023, there were a total of 502 views of the Settlement  
2 Website pages and documents and 154 unique visitors to the Settlement Website. JND  
3 will continue to maintain the Settlement Website throughout the Settlement  
4 administration process.

5 29. JND also maintains an email address,  
6 shippingdefendantinfo@OCOilSpillSettlement.com (“Settlement Email Address”),  
7 that permits Class Members and other individuals to submit e-mail inquiries to JND.  
8 As of July 27, 2023, JND has handled 5 email communications received to the  
9 Settlement Email Address. JND will continue to maintain the Settlement Email  
10 Address throughout the Settlement administration process.

11 **TOLL-FREE INFORMATION LINE**

12 30. On July 6, 2023, JND established a Settlement-specific dedicated toll-free  
13 Interactive Voice Response (“IVR”) number, 1-844-717-0591, for Class Members to  
14 call for additional information.

15 31. As of July 27, 2023, JND has received 26 calls to the IVR from Class  
16 Members or other individuals. JND will continue to maintain the toll-free IVR number  
17 throughout the administration process.

18 **OBJECTIONS AND REQUESTS FOR EXCLUSION**

19 32. The Postcard Notices and Long Form Notices (collectively, the “Notices”)  
20 informed recipients that any Class Member who wanted to object or exclude themselves  
21 from the proposed Settlement can do so by August 21, 2023. The Long Form Notices  
22 provides explicit instructions regarding the process of objecting to the Settlement or  
23 requesting an exclusion from the Settlement. The Postcard Notices directed recipients  
24 to the case website, where such instructions are also posted.

25 33. As of July 27, 2023, JND has not received or is otherwise not aware of any  
26 objections or requests for exclusions.  
27  
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1 **CONCLUSION**

2 34. In my opinion, the Notice Program is providing the best notice practicable  
3 under the circumstances of this Settlement. The current statistics on direct mail notice,  
4 email notice, and earned media reinforce the fact that the Notice program is broad in  
5 scope and designed to reach the greatest practicable number of Settlement Class  
6 Members.

7 35. JND will continue to administer the Settlement through all phases of  
8 Settlement administration, as required by the Settlement Agreement, Amended  
9 Preliminary Approval Order, and pursuant to any future Orders of this Court.

10 36. Furthermore, JND will continue to confer with Counsel to determine  
11 whether reminder notices may be needed with respect to potential Class Members and  
12 will provide a supplemental declaration to the Court prior to the Final Approval Hearing  
13 to provide updated information regarding the implementation of the Notice Plan and the  
14 claims administration process.

15 I declare under the penalty of perjury pursuant to the laws of the United States of  
16 America that the foregoing is true and correct.

17 Executed on July 31, 2023 at Seattle, Washington.

18 

19  
20 \_\_\_\_\_  
21 GRETCHEN EOFF

**EXHIBIT A**

Legal Notice

**Records indicate that  
you are eligible to  
receive a payment  
from a class action  
settlement with  
shipping companies  
related to the  
October 2021  
Orange County  
Oil Spill**

**Orange County Oil Spill Shipping Defendant Settlement**

c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111



Unique ID: «Name\_Number»

Postal Service: Please do not mark barcode

«Full\_Name»  
«CF\_CARE\_OF\_NAME»  
«CF\_ADDRESS\_1»  
«CF\_ADDRESS\_2»  
«CF\_CITY», «CF\_STATE» «CF\_ZIP»  
«CF\_COUNTRY»

A proposed settlement has been reached with shipping companies in a class action lawsuit called *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). This Settlement would also resolve any claims by Class Members in the related litigation brought by some of those shipping companies titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) (the “Limitation Action”). Records indicate that you are a Waterfront Tourism Class Member. This notice summarizes your rights and options. More details are available at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). This Settlement is separate from a prior settlement with the Amplify pipeline companies, which affects different rights and involves a different potential payment. This is not a duplicate notice. Please read below.

**What is this about?** Plaintiffs allege that certain “Shipping Defendants” who own or operate two container ships have responsibility for the October 2021 Oil Spill near Huntington Beach because prior to the spill those ships dragged their anchors across the pipeline during a heavy storm event, damaging it and ultimately leading to the spill. The Shipping Defendants are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*. The Shipping Defendants deny those allegations. This Settlement does not address claims against the pipeline owners and operators Amplify Energy Corp., Beta Operating Company, LLC and San Pedro Bay Pipeline Company’s (collectively “Amplify”). Class Members reached a separate \$50 million settlement with Amplify that has been approved by the same Court. A separate notice was sent about the Amplify settlement, and separate payments will issue to eligible Class Members for each settlement.

**Who is affected?** You are a Waterfront Tourism Class Member if you are a person or entity in operation between October 2, 2021, and December 31, 2021, who: (a) owned or worked on a sea vessel engaged in the business of ocean water tourism (including sport fishing, sea life observation, and leisure cruising) and accessed the water between the San Gabriel River and San Juan Creek in Dana Point; or (b) owned businesses that offered surfing, paddle boarding, recreational fishing, and/or other beach or ocean equipment rentals and/or lessons or activities; sold food or beverages; sold fishing bait or equipment, swimwear or surfing apparel, and/or other retail goods; or provided visitor accommodations south of the San Gabriel River, north of the San Juan Creek, and west of: (1) Highway 1 in Seal Beach; (2) Orange Avenue and Pacific View Avenue in Huntington Beach; and (3) Highway 1 south of Huntington Beach. Records indicate that you are a Waterfront Tourism Class Member.

**What does the Settlement provide?** Under the Settlement, the Shipping Defendants will pay \$45 million to create settlement funds, \$6.3 million of which will be used for the Waterfront Tourism Class Settlement Fund (the "Fund"). If the Settlement is approved and becomes final, payments will be made to eligible Class Members based on an allocation plan approved by the Court. Your individual payment cannot be estimated at this time.

**How do I get the settlement benefits?** You do not need to do anything to receive your payment. Your check will automatically be mailed to you (if the Court approves the Settlement and you do not opt out).

**What are my options?** (1) Do nothing and receive a payment. Remain part of the Waterfront Tourism Class and receive your payment. Be bound by the Court's decision, give up your right to sue or continue to sue the Shipping Defendants over the claims resolved by the Settlement, and release any claims you may have filed in the related Limitation Action. (2) Exclude yourself (opt out). Receive no payment, but keep your right to sue the Shipping Defendants at your own expense and with your own attorney about the claims in this case. (3) Object. Remain part of the Waterfront Tourism Class and receive your payment, but tell the Court what you do not like about the Settlement. The deadline for exclusion requests and objections is **August 21, 2023**. For more details about your rights and options and how to exclude yourself or object, go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

**What happens next?** The Court will hold a Final Approval Hearing on **September 14, 2023** to consider whether to approve: the Settlement; attorney fees up to \$1.575 million of the Fund plus expenses, to be paid from the Fund; service awards up to \$7,500 to each of the Waterfront Tourism Class Representatives to be paid from the Fund; and the Plan of Distribution. The Court will also consider any timely objections. The Court has appointed the law firms of Lief Cabraser Heimann Bernstein LLP, Aitken, Aitken, Cohn, and Larson, LLP as Interim Settlement Class Counsel to represent the Classes. You or your attorney may ask to speak at the hearing at your own expense, but you do not have to.

**How do I get more information?** For more information, visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com), call toll-free 1-844-717-0591, write Orange County Oil Spill Shipping Defendant Settlement, c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, or email [ShippingDefendantInfo@OCOilSpillSettlement.com](mailto:ShippingDefendantInfo@OCOilSpillSettlement.com).



**Please do not contact the Court regarding this Notice.**

*Carefully separate this Address Change Form at the perforation*

Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Address Change Form**

To make sure your information remains up-to-date in our records, please confirm your address by filling in the above information and depositing this postcard in the U.S. Mail.



«PRINTED\_ID»

**Orange County Oil Spill Shipping Defendant Settlement**  
c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111

# **EXHIBIT B**



Legal Notice

**Records indicate that  
you are eligible to  
receive a payment  
from a class action  
settlement with  
shipping companies  
related to the  
October 2021  
Orange County  
Oil Spill**

**Orange County Oil Spill Shipping Defendant Settlement**  
c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111



Unique ID: «Name\_Number»

Postal Service: Please do not mark barcode

«Full\_Name»  
«CF\_CARE\_OF\_NAME»  
«CF\_ADDRESS\_1»  
«CF\_ADDRESS\_2»  
«CF\_CITY», «CF\_STATE» «CF\_ZIP»  
«CF\_COUNTRY»

A proposed settlement has been reached with shipping companies in a class action lawsuit called *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). This Settlement would also resolve any claims by Class Members in the related litigation brought by some of those shipping companies titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) (the “Limitation Action”). Records indicate that you are a Fisher Class Member. This notice summarizes your rights and options. More details are available at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). This Settlement is separate from a prior settlement with the Amplify pipeline companies, which affects different rights and involves a different potential payment. This is not a duplicate notice. Please read below.

**What is this about?** Plaintiffs allege that certain “Shipping Defendants” that own or operate two container ships have responsibility for the October 2021 Oil Spill near Huntington Beach because those ships dragged their anchors and struck or otherwise made contact with the pipeline during a heavy storm event, damaging the pipeline and ultimately causing it to leak. The Shipping Defendants are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*. The Shipping Defendants deny those allegations.

This Settlement does not address claims against the pipeline owners and operators Amplify Energy Corp., Beta Operating Company, LLC and San Pedro Bay Pipeline Company’s (collectively “Amplify”). Class Members reached a separate \$50 million settlement with Amplify that has been approved by the same Court. A separate notice was sent about the Amplify settlement, and separate payments will be made to eligible Class Members for each settlement.

**Who is affected?** The Fisher Class includes persons or businesses who owned or worked on a commercial fishers and vessel docked in Newport Harbor or Dana Point Harbor as of October 2, 2021, and/or who landed seafood within the California Department of Fish & Wildlife fishing blocks 718-720, 737-741, 756-761, 801-806, and 821-827 between October 2, 2016 and October 2, 2021, and were in operation as of October 2, 2021, as well as those persons and businesses who purchased and resold commercial seafood so landed, at the retail or wholesale level, that were in operation as of October 2, 2021. Records indicate that you are a Fisher Class Member.

**What does the Settlement provide?** Under the Settlement, the Shipping Defendants will pay \$45 million to create settlement funds, \$30.6 million of which will be used for the Fisher Class Settlement Fund (the "Fund"). If the Settlement is approved and becomes final, payments will be made to eligible Class Members based on an allocation plan approved by the Court. Your individual payment cannot be estimated at this time.

**How do I get the settlement benefits?** You do not need to do anything to receive your payment. Your check will automatically be mailed to you (if the Court approves the Settlement and you do not opt out).

**What are my options?** (1) Do nothing and receive a payment. Remain part of the Fisher Class and receive your payment. Be bound by the Court's decision, give up your right to sue or continue to sue the Shipping Defendants over the claims resolved by the Settlement, and release any claims you may have filed in the related Limitation Action. (2) Exclude yourself (opt out). Receive no payment, but keep your right to sue the Shipping Defendants at your own expense and with your own attorney about the claims in this case. (3) Object. Remain part of the Fisher Class and receive your payment, but tell the Court what you do not like about the Settlement. The deadline for exclusion requests and objections is **August 21, 2023**. For more details about your rights and options and how to exclude yourself or object, go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

**What happens next?** The Court will hold a Final Approval Hearing on **September 14, 2023** to consider whether to approve: the Settlement; attorney fees up to \$7.65 million of the Fund plus expenses, to be paid from the Fund; service awards up to \$7,500 to each of the Fisher Class Representatives to be paid from the Fund; and the Plan of Distribution. The Court will also consider any timely objections. The Court has appointed the law firms of Lief Cabraser Heimann Bernstein LLP, Aitken, Aitken, Cohn, and Larson, LLP as Interim Settlement Class Counsel to represent the Classes. You or your attorney may ask to speak at the hearing at your own expense, but you do not have to.

**How do I get more information?** For more information, visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com), call toll-free 1-844-717-0591, write Orange County Oil Spill Shipping Defendant Settlement, c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, or email [ShippingDefendantInfo@OCOilSpillSettlement.com](mailto:ShippingDefendantInfo@OCOilSpillSettlement.com).



**Please do not contact the Court regarding this Notice.**

*Carefully separate this Address Change Form at the perforation*

Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Address Change Form**

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**Orange County Oil Spill Shipping Defendant Settlement**  
c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111

# **EXHIBIT C**

Legal Notice

**Records indicate that  
you are eligible to  
receive a payment  
from a class action  
settlement with  
shipping companies  
related to the  
October 2021  
Orange County  
Oil Spill**

**Orange County Oil Spill Shipping Defendant Settlement**  
c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111



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A proposed settlement has been reached with shipping companies in a class action lawsuit called *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). This Settlement would also resolve any claims by Class Members in the related litigation brought by some of those shipping companies titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) (the “Limitation Action”). Records indicate that you are a Property Class Member. This notice summarizes your rights and options. More details are available at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

This Settlement is separate from a prior settlement with the Amplify pipeline companies, which affects different rights and involves a different potential payment. This is not a duplicate notice. Please read below.

**What is this about?** Plaintiffs allege that certain “Shipping Defendants” that own or operate two container ships have responsibility for the October 2021 Oil Spill near Huntington Beach because prior to the spill those ships dragged their anchors across the pipeline during a heavy storm event, damaging the pipeline and ultimately causing it to leak. The Shipping Defendants are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*. The Shipping Defendants deny those allegations.

This Settlement does not address claims against the pipeline owners and operators Amplify Energy Corp., Beta Operating Company, LLC and San Pedro Bay Pipeline Company’s (collectively “Amplify”). Class Members reached a separate \$50 million settlement with Amplify that has been approved by the same Court. A separate notice was sent about the Amplify settlement, and separate payments will issue to eligible Class Members for each settlement.

**Who is affected?** The Property Class includes owners or lessees, between October 2, 2021, and December 31, 2021, of residential waterfront and/or waterfront properties or residential properties with a private easement to the coast located between the San Gabriel River and the San Juan Creek in Dana Point, California. Records indicate that you are a Property Class Member.

**What does the Settlement provide?** Under the Settlement, the Shipping Defendants will pay \$45 million to create settlement funds, \$8.1 million of which will be used for the Property Class Settlement Fund (the "Fund"). If the Settlement is approved and becomes final, payments will be made to eligible Class Members based on an allocation plan approved by the Court. Your individual payment cannot be estimated at this time.

**How do I get the settlement benefits?** You do not need to do anything to receive your payment. Your check will automatically be mailed to you (if the Court approves the Settlement and you do not opt out).

**What are my options?** (1) Do nothing and receive a payment. Remain part of the Property Class and receive your payment. Be bound by the Court's decision, give up your right to sue or continue to sue the Shipping Defendants over the claims resolved by the Settlement, and release any claims you may have filed in the related Limitation Action. (2) Exclude yourself (opt out). Receive no payment, but keep your right to sue the Shipping Defendants at your own expense and with your own attorney about the claims in this case. (3) Object. Remain part of the Property Class and receive your payment, but tell the Court what you do not like about the Settlement. The deadline for exclusion requests and objections is **August 21, 2023**. For more details about your rights and options and how to exclude yourself or object, go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

**What happens next?** The Court will hold a Final Approval Hearing on **September 14, 2023** to consider whether to approve: the Settlement; attorney fees up to \$2.025 million of the Fund plus expenses, to be paid from the Fund; service awards up to \$7,500 to each of the Property Class Representatives to be paid from the Fund; and the Plan of Distribution. The Court will also consider any timely objections. The Court has appointed the law firms of Lief Cabraser Heimann Bernstein LLP, Aitken, Aitken, Cohn, and Larson, LLP as Interim Settlement Class Counsel to represent the Classes. You or your attorney may ask to speak at the hearing at your own expense, but you do not have to.

**How do I get more information?** For more information, visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com), call toll-free 1-844-717-0591, write Orange County Oil Spill Shipping Defendant Settlement, c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, or email [ShippingDefendantInfo@OCOilSpillSettlement.com](mailto:ShippingDefendantInfo@OCOilSpillSettlement.com).



**Please do not contact the Court regarding this Notice.**

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Current Address: \_\_\_\_\_

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**Orange County Oil Spill Shipping Defendant Settlement**  
c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111

# **EXHIBIT D**



**From:** ShippingDefendantInfo@ocoilspillsettlement.com  
**Sent:** Wednesday, July 19, 2023 3:59 PM  
**To:** [REDACTED]  
**Subject:** Notice of 2021 Orange County Oil Spill Settlement with Shipping Defendants

**Security Notice:** This email originated outside of JND. Use caution when clicking links or opening attachments.

**Unique Claimant ID:** [REDACTED]

Dear [REDACTED]

**Records indicate that you are eligible to receive a payment from a class action settlement with shipping companies related to the October 2021 Orange County Oil Spill**

A proposed Settlement has been reached with shipping companies in a class action lawsuit called *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). This Settlement would also resolve any claims by Class Members in the related litigation brought by some of those shipping companies titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) (the “Limitation Action”).

Records indicate that you are a Fisher Class Member. This notice summarizes your rights and options. More details are available at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

This Settlement is separate from a prior settlement with the Amplify pipeline companies, which affects different rights and involves a different potential payment. This is not a duplicate notice. Please read below.

**What is this about?**

Plaintiffs allege that certain “Shipping Defendants” that own or operate two container ships have responsibility for the October 2021 Oil Spill near Huntington Beach because prior to the spill those ships dragged their anchors over the pipeline during a heavy storm event, damaging it and ultimately causing it to leak. The Shipping Defendants are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*. The Shipping Defendants deny those allegations.

This Settlement does not address claims against the pipeline owners and operators Amplify Energy Corp., Beta Operating Company, LLC and San Pedro Bay Pipeline Company’s (collectively “Amplify”). Class Members reached a separate \$50 million settlement with Amplify that has been approved by the same Court. A separate notice was sent about the

Amplify settlement, and separate payments will issue to eligible Class Members for each settlement.

### **Who is affected?**

The Fisher Class includes persons or businesses who owned or worked on a commercial fishers and vessel docked in Newport Harbor or Dana Point Harbor as of October 2, 2021, and/or who landed seafood within the California Department of Fish & Wildlife fishing blocks 718-720, 737-741, 756-761, 801-806, and 821-827 between October 2, 2016 and October 2, 2021, and were in operation as of October 2, 2021, as well as those persons and businesses who purchased and resold commercial seafood so landed, at the retail or wholesale level, that were in operation as of October 2, 2021. Records indicate that you are a Fisher Class Member.

### **What does the Settlement provide?**

Under the Settlement, the Shipping Defendants will pay \$45 million to create settlement funds, \$30.6 million of which will be used for the Fisher Class Settlement Fund (the “Fund”). If the Settlement is approved and becomes final, payments will be made to eligible Class Members based on an allocation plan approved by the Court. Your individual payment cannot be estimated at this time.

### **How do I get the settlement benefits?**

You do not need to do anything to receive your payment. Your check will automatically be mailed to you (if the Court approves the Settlement and you do not opt out).

### **What are my options?**

- 1) Do nothing and receive a payment. Remain part of the Fisher Class and receive your payment. Be bound by the Court’s decision, give up your right to sue or continue to sue the Shipping Defendants over the claims resolved by the Settlement, and release any claims you may have filed in the related Limitation Action.
- 2) Exclude yourself. Receive no payment, but keep your right to sue the Shipping Defendants at your own expense and with your own attorney about the claims in this case.
- 3) Object. Remain part of the Fisher Class and receive your payment, but tell the Court what you do not like about the Settlement.

The deadline for exclusion requests and objections is **August 21, 2023**. For more details about your rights and options and how to exclude yourself or object, go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

### **What happens next?**

The Court will hold a Final Approval Hearing on **September 14, 2023**, at a time to be determined, to consider whether to approve the Settlement; attorney fees and costs up to \$7.65 million of the Fund plus expenses, to be paid from the Fund; service awards up to \$7,500 to each of the Fisher Class Representatives to be paid from the Fund; and the Plan

of Distribution. The Court will also consider any timely objections. The Court has appointed the law firms of Lief Cabraser Heimann Bernstein LLP, Aitken, Aitken, Cohn, and Larson, LLP as Interim Settlement Class Counsel to represent the Classes. You or your attorney may ask to speak at the hearing at your own expense, but you do not have to.

**How do I get more information?**

For more information, visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com), call toll-free 1-844-717-0591, write Orange County Oil Spill Shipping Defendant Settlement, c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, or email [ShippingDefendantInfo@OCOilSpillSettlement.com](mailto:ShippingDefendantInfo@OCOilSpillSettlement.com).

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This Rare Wine Country Estate Is Nestled In The Heart Of The Trending Town Of Calistoga For Sale At \$6,495,000

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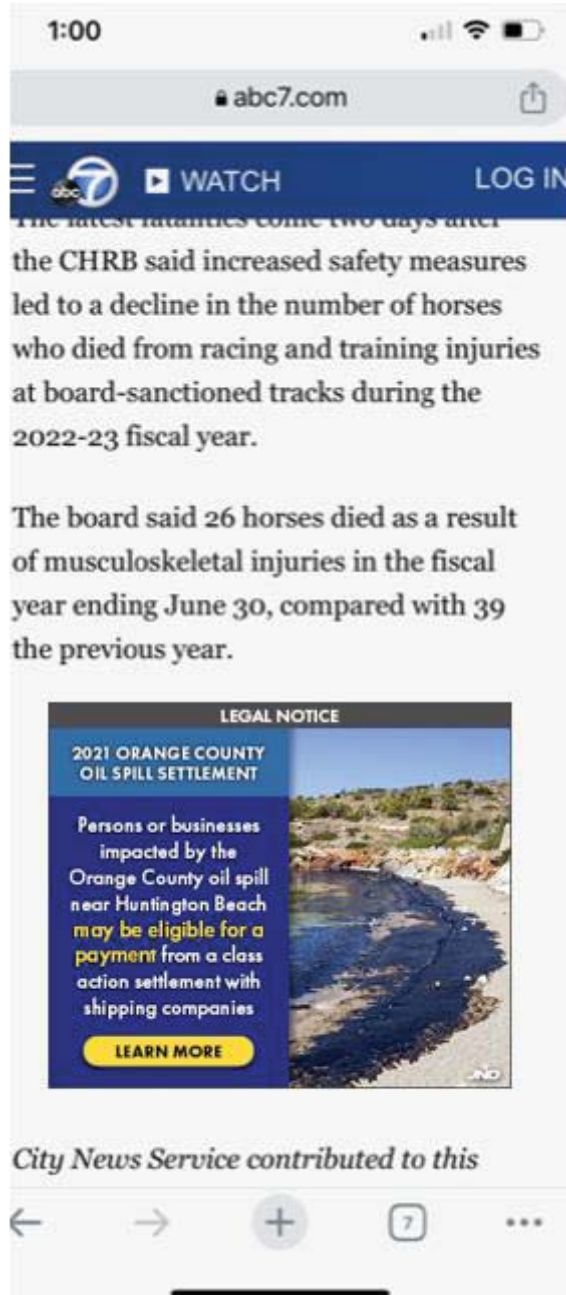
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A BILINGUAL PUBLICATION

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Las personas o empresas que se vieron afectadas por el derrame de petróleo del Condado de Orange cerca de Huntington Beach pueden ser elegibles para recibir un pago de un acuerdo de demanda colectiva con las compañías navieras **MÁS INFORMACIÓN**

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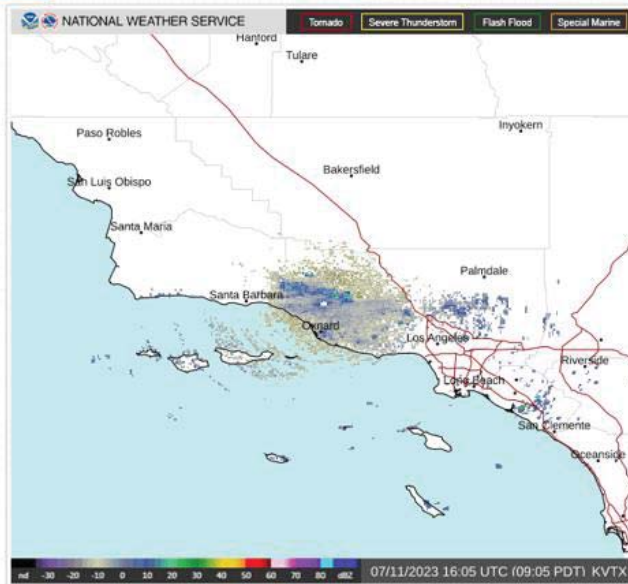


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Las personas o empresas que se vieron afectadas por el derrame de petróleo del Condado de Orange cerca de Huntington Beach pueden ser elegibles para recibir un pago de un acuerdo de demanda colectiva con las compañías navieras

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**Orange County Oil Spill** [Learn more](#)

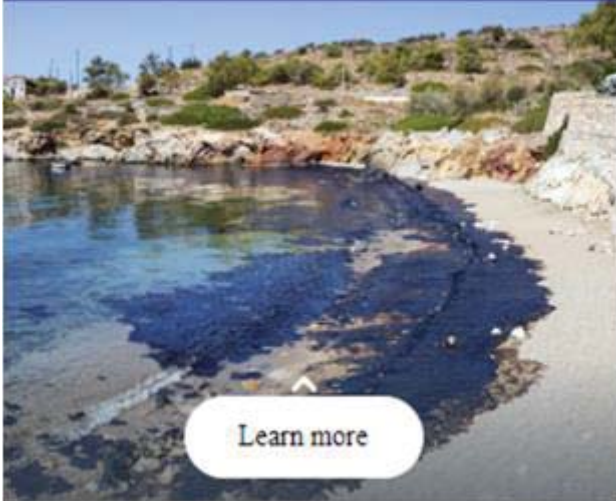
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


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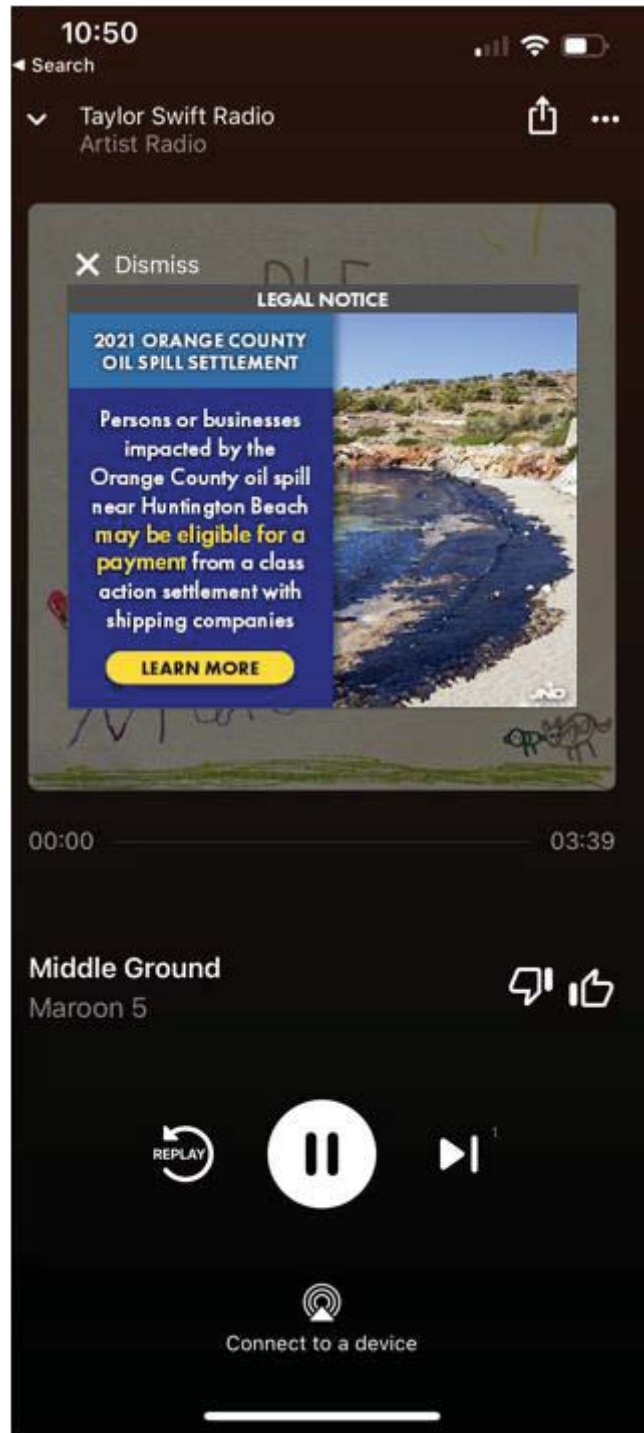
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BOATS & GEAR



## More bow- and stern-picker combination boats for Bristol Bay

Michael Crowley

Rozema Boat Works delivered a 47-foot crab and prawn boat this past February with a pair of 550-hp John Deere 6090 diesels. It is fishing Washington's Puget Sound and Southeast Alaska.

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A photograph showing a dark, thick oil spill on a sandy beach, with some vegetation in the background.

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## Western Flyer: Still in the game

Paul Molyneaux

*From sardine seiner to fisheries research, the Western Flyer continues to contribute to the industry*

The average commercial fishing vessel in the U.S. North Pacific

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## Doubler-plated hull failure likely sank Gloucester dragger in 2022, NTSB says

NF Staff

The Gloucester, Mass., trawler Grace Marie likely sank when its doubler-plated hull failed under the engine room in July 2022, sending it to the bottom 80 miles offshore after its crew were rescued without injury, according to a new report from the National Transportation Safety Board.

CURRENT ISSUE





NORTHEAST



## Stonington Lobster Boat Racing never disappoints

Michael Crowley

Sunday, July 9, at Stonington was the scene of race Number 4 on Maine's lobster boat racing circuit. It should have been race Number 5, but the previous race at Jonesport was postponed until Aug. 5. "A lot of people love going to Stonington," says Jon Johansen, Maine Lobster Boat Association president. "It's one of the biggest races on the coast."

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**2021 ORANGE COUNTY OIL SPILL SETTLEMENT**

Persons or businesses impacted by the Orange County oil spill near Huntington Beach **may be eligible for a payment** from a class action settlement with shipping companies

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A photograph showing a dark, thick oil spill on a sandy beach. The oil is spread across the sand and is partially washed away by the water's edge. The background shows a rocky coastline with some vegetation under a clear blue sky.

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## Rep. Hoyle supporting backbone of Oregon coastal communities with new legislation

Carli Stewart

On Thursday, July 13, U.S. Representative Val Hoyle (OR-04) introduced legislation to ensure ports can apply for infrastructure grants that support commercial fishing, bolster jobs, and drive the economies of our coastal communities.

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Summer 2023 • No. 61 • Volume 100

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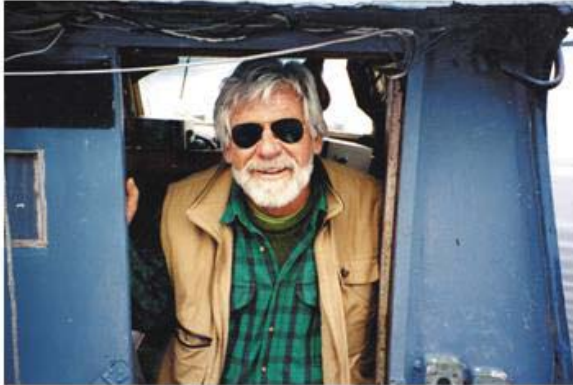
Waterman returns to fishing after accident...Page 28



 **Integrated Marine Systems**  
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NATIONAL & INTERNATIONAL



## Longtime Alaska Fisherman's Journal, National Fisherman columnist Roger Fitzgerald passes

John Pappenheimer

Roger Fitzgerald, 85, whose column *In Search of the Simple Life*, evoked smiles and chuckles from commercial fishermen from Seattle to the Bering Sea, died from heart failure in Queen Creek, Ariz., on July 7, 2023.



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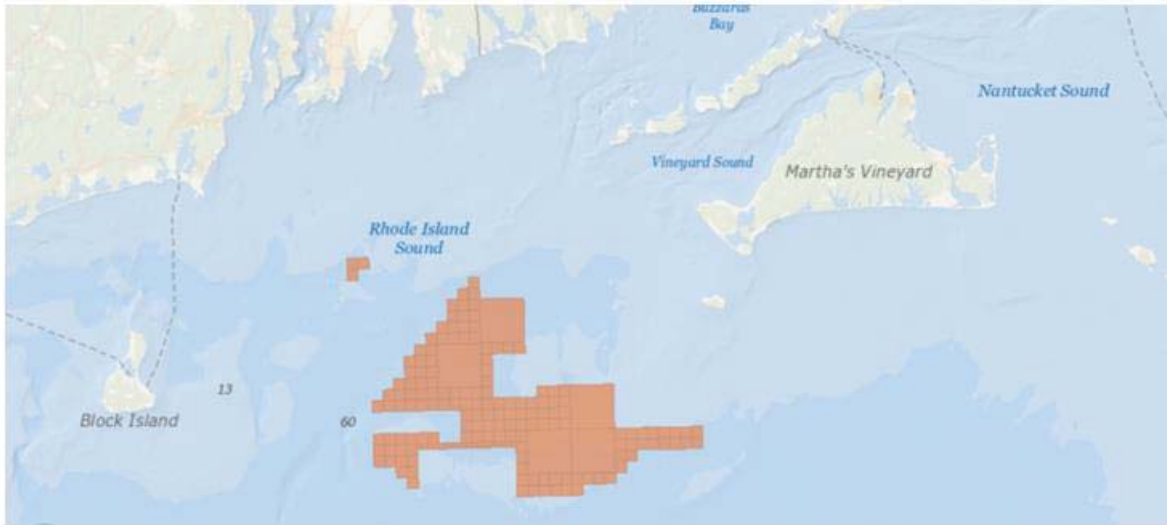




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## National Fisherman Highliner: Jerry Sansom

Kirk Moore

For nearly half a century, Sansom has been the voice for and a face of the individual commercial fishermen in Florida as the longtime executive director of the Organized Fishermen of Florida.

CURRENT ISSUE



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ALASKA



Bristol Bay processors hit fishermen with 50-cent price, protests coming

Charlie Ess

Bristol Bay processors lowballed fishermen with ex-vessel prices of 50 cents on July 17, and the fleet wasn't happy.

ALASKA



[Bristol Bay processors hit fishermen with 50-cent price, protests coming](#)

Charlie Ess

Bristol Bay processors lowballed fishermen with ex-vessel prices of 50 cents on July 17, and the fleet wasn't happy about it. As the season unfolded in early July the fleet began fishing on an "open ticket," meaning that prices hadn't yet been announced by major processors.

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Persons or businesses impacted by the Orange County oil spill near Huntington Beach may be eligible for a payment from a class action settlement with shipping companies

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BOATS & GEAR



[Skiffs 'fill the bill' for Chesapeake river fishermen](#)





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The Advocate for the Commercial Fisherman



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## Fishermen's News Online



5 Jul

Fishermen's News Online, News



By Fishermen's News

No Comments

### Alaska's Commercial Wild Salmon Harvest Hits 11M and Rising

Demand for fresh wild Alaska sockeye salmon remains strong, yet harvesters are wary of what the payout will be, given the amount of the 2022 fish still unsold. Some grocery chains, including Carrs-Safeway and Fred Meyer, a Kroger supermarket in Anchorage, were offering customers the option of refreshed 2022 sockeye fillets this past week, when they ran low on fresh red salmon, but prices varied widely, with some stores selling 2022 sockeye fillets for as much as \$17.99 a pound, compared to \$15.99 a pound for the fresh reds that were sold out. Customers with store membership cards received a discount of several dollars. Meanwhile, wild salmon bound for their natal streams kept on coming. The preliminary statewide commercial salmon harvest, estimated by the Alaska Department of...

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*The Advocate for the Commercial Fisherman • Wednesday, July 12, 2023*



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## **Alaska Marine Lines Launches New Rail Service Dock in Seattle**

Alaska Marine Lines (AML) has introduced a new rail dock in Seattle to accommodate an increasing demand for Alaska pollock in destinations throughout the Lower 48 states.

[>READ MORE](#)

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FISHERMEN'S TERMINAL



## Fisheries Development

### Foundation Issues Call for

#### Symphony of Seafood Products

On July 7, the Alaska Fisheries Development Foundation (AFDF) issued a 'Call for Product' for its 2024 Alaska Symphony of Seafood competition.

[>READ MORE](#)

### CQ Foods Partners with Alaska Seafood Industry to Boost Salmon Quality

The Bristol Bay Regional Seafood Development Association (BBRSDA) said on July 10 that it is partnering for a fourth year with a Texas firm to boost the value of the world's largest wild sockeye salmon fishery, using technology that measures salmon quality data on tenders and processing plants in Bristol Bay.

LEGAL NOTICE

2021 ORANGE COUNTY OIL SPILL SETTLEMENT

Persons or businesses impacted by the Orange County oil spill near Huntington Beach **may be eligible for a payment** from a class action settlement with shipping companies

[LEARN MORE](#)



JNO



# FISHERMEN'S NEWS Online

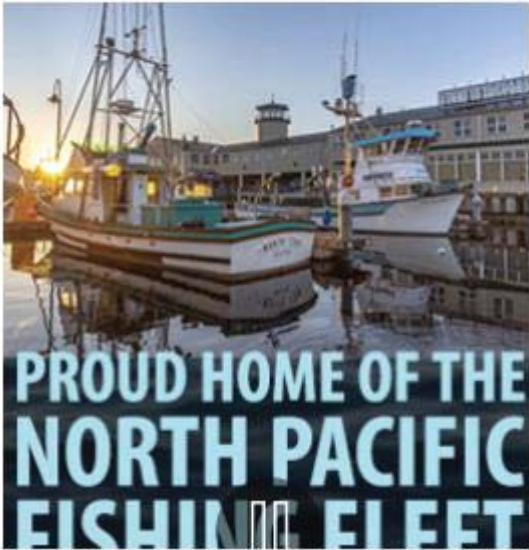
*The Advocate for the Commercial Fisherman • Wednesday, July 19, 2023*



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### **Proposed Legislation Would Clarify If Ports Can Apply for Commercial Fishing Support Grants**

Legislation introduced in the U.S. House of Representatives by Rep. Val Hoyle in mid-July aims to clarify whether ports can apply for infrastructure grants to support commercial fishing, and in turn boost coastal communities' jobs and



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## Coast Guard Confiscates \$158M in Narcotics in Eastern Pacific Ocean

Crew aboard the Coast Guard cutters ***Steadfast***, ***Vigilant*** and ***Mohawk*** confiscated millions of dollars in illegal drugs during counter-narcotics patrols in the Eastern Pacific Ocean from May through July, the Guard announced this week.

[>READ MORE](#)

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## Preliminary Alaska Commercial Salmon Harvest Count Jumps to Over 60M Fish

Commercial salmon harvest in Alaska has reached an estimated total of over 60 million fish, up more than 24 million fish through Monday, July 17 from a week earlier, with increased harvests from Southwest to Southeast to the Central region, according to Alaska Department of Fish and Game data.

[>READ MORE](#)

LEGAL NOTICE

2021 ORANGE COUNTY OIL SPILL SETTLEMENT

Persons or businesses impacted by the Orange County oil spill near Huntington Beach **may be eligible for a payment** from a class action settlement with shipping companies

[LEARN MORE](#)



# **EXHIBIT F**



## GUIÓN DE AUDIO del acuerdo con las compañías navieras OC

La plantilla de texto está configurada para un tamaño de letra de 13 puntos a doble espacio. Simplemente comience a escribir en la parte superior izquierda.

### SFX:

### TEXTO:

	<b>1</b>	Los pescadores, los residentes de propiedades costeras y las empresas
	<b>2</b>	turísticas costeras que se vieron afectados por el derrame de petróleo
<b>:10</b>	<b>3</b>	de 2021 en la costa del condado de Orange cerca de Huntington
	<b>4</b>	Beach, pueden ser elegibles para recibir un pago de un acuerdo de
	<b>5</b>	demanda colectiva con los propietarios y operadores de los barcos.
	<b>6</b>	Para obtener más información, visite O C Oil Spill Settlement
	<b>7</b>	PUNTO COM o llame al 1-844-717-0591. Repito, visite O C Oil
<b>:30</b>	<b>8</b>	Spill Settlement PUNTO COM o llame al 1-844-717-0591.
	<b>9</b>	Pagado por JND Legal Administration.
	<b>10</b>	
	<b>11</b>	
	<b>12</b>	
	<b>13</b>	
	<b>14</b>	
<b>:60</b>	<b>15</b>	



# **EXHIBIT G**



[Huntington Beach oil spill class action]



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**2021 Orange County Oil Spill - Class Action Settlement**

Certain persons or businesses are affected by a settlement involving shipping companies. Fishers, Coastal Property Owners, and Waterfront Tourism Businesses may get a payment.

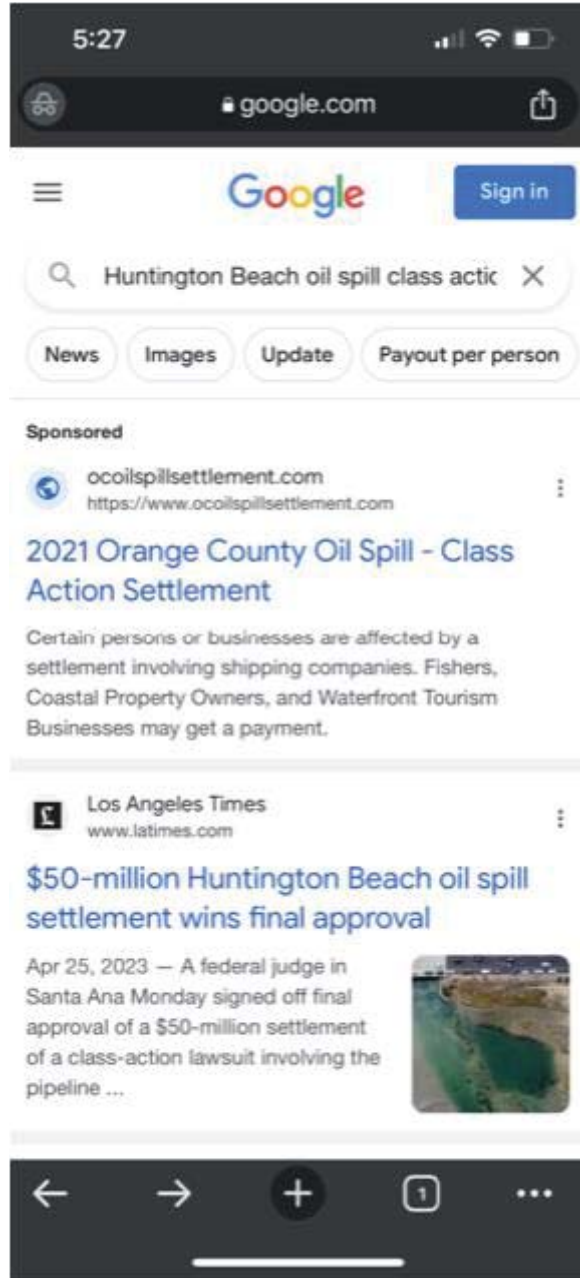
 Los Angeles Times  
<https://www.latimes.com/daily-pilot/news/story/5...>

**\$50-million Huntington Beach oil spill settlement wins final ...**

Apr 25, 2023 — A federal judge in Santa Ana Monday signed off final approval of a \$50-million settlement of a class-action lawsuit involving the pipeline ...

**People also ask :**

- What is the settlement for the oil spill? ▾
- Who is responsible for the oil spill in Huntington Beach? ▾
- Is Huntington Beach safe after oil spill? ▾
- What were the charges for the Huntington Beach oil spill? ▾



# **EXHIBIT H**

# If you were affected by the October 2021 Orange County Oil Spill, you may be eligible to receive a payment from a class action settlement

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NEWS PROVIDED BY  
**JND Legal Administration** →  
10 Jul, 2023, 09:25 ET

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SEATTLE, July 10, 2023 /PRNewswire/ -- JND Legal Administration

**A proposed Settlement has been reached with shipping companies in a class action lawsuit involving the October 2021 oil spill off the coast of Orange County near Huntington Beach (the "Oil Spill").**

## **What is this about?**

Plaintiffs brought claims on behalf of commercial fishers and processors, coastal real property owners and lessees, and waterfront tourism businesses harmed by the Oil Spill ("Class Members") alleging that certain "Shipping Defendants" that own or operate two container ships have responsibility for the Oil Spill because those ships dragged their anchors over the pipeline during a heavy storm event prior to the spill, damaging the pipeline and ultimately causing it to leak. The Shipping Defendants are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*. The Shipping Defendants deny those allegations.



This Settlement was reached to resolve Class Members' claims against the Shipping Defendants in the lawsuit titled *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). This Settlement would also resolve claims by Class Members in the related lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, Nos. 2:22-cv-02153-DOC-JDE and 2:22-mc-00213-DOC (C.D. Cal.) (collectively "Limitation Action"). Both actions are pending in the Central District of California before Judge David O. Carter.

If the Court approves the Settlement, payments will be made to all Class Members automatically by mailed check. Class Members will not need to do anything to receive a payment.

This Settlement does not address claims against the pipeline owners and operators Amplify Energy Corp., Beta Operating Company, LLC and San Pedro Bay Pipeline Company's (collectively "Amplify"). Class Members reached a separate \$50 million settlement with Amplify that is being finalized after being approved by the same Court. A separate notice was issued regarding that settlement, and for those eligible for compensation under it, separate payments will be made. The capitalized word "Settlement" in this notice refers to the Settlement reached between Plaintiffs and the Shipping Defendants.

### **Who is affected?**

You are a Fisher Class Member if you are (1) a person or business who owned or worked on a commercial fishing vessel docked in Newport Harbor or Dana Point Harbor as of October 2, 2021, and/or landed seafood within the California Department of Fish & Wildlife fishing blocks 718-720, 737-741, 756-761, 801-806, and 821-827 between October 2, 2016 and October 2, 2021, and were in operation as of October 2, 2021; or (2) a person or business who purchased and resold commercial seafood so landed, at the retail or wholesale level, that were in operation as of October 2, 2021.

You are a Property Class Member if you owned or leased, between October 2, 2021, and December 31, 2021, residential waterfront and/or waterfront properties or residential properties with a private easement to the coast located between the San Gabriel River and the San Juan Creek in Dana Point, California.

October 2, 2021, and December 31, 2021, who: (a) owned or worked on a sea vessel engaged in the business of ocean water tourism (including sport fishing, sea life observation, and leisure cruising) and accessed the water between the San Gabriel River and San Juan Creek in Dana Point; or (b) owned businesses that offered surfing, paddle boarding, recreational fishing, and/or other beach or ocean equipment rentals and/or lessons or activities; sold food or beverages; sold fishing bait or equipment, swimwear or surfing apparel, and/or other retail goods; or provided visitor accommodations south of the San Gabriel River, north of the San Juan Creek, and west of: (1) Highway 1 in Seal Beach; (2) Orange Avenue and Pacific View Avenue in Huntington Beach; and (3) Highway 1 south of Huntington Beach.

If you believe you are in the Classes above but do not receive notice by mail, please email [shippingdefendantinfo@ocoilspillsettlement.com](mailto:shippingdefendantinfo@ocoilspillsettlement.com) or call 1-844-717-0591.

### **What does the Settlement provide?**

Under the Settlement, the Shipping Defendants will pay \$45 million to create settlement funds for different classes affected by the Oil Spill. If the Settlement is approved by the Court and becomes final, the funds will be used to pay eligible Class Members based on an allocation plan approved by the Court. The funds will also be used to pay attorney fees and costs, notice and settlement administration costs, service awards to Class Representatives, and any other fees and costs approved by the Court.

### **What are my options?**

Do nothing and receive a payment. Remain part of your respective Class and receive your payment. Be bound by the Court's decision, give up your right to sue the Shipping Defendants over the claims resolved by the Settlement, and release any claims you may have filed in the "Limitation Action," the related lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) and 2:22-mc-00213-DOC.

not receive a payment. You will keep any rights to sue the Shipping Defendants that you already have. You cannot object to the Settlement.

Object. If you do not exclude yourself from the Settlement, you may object to it or tell the Court what you don't like about the Settlement. You will still remain a Class Member, meaning you will still receive a payment, and you will still give up your right to sue the Shipping Defendants for the claims resolved by this Settlement, and release any claims you may have filed in the related Limitation Action.

Exclusions and objections must be postmarked/served/filed by **August 21, 2023**. For details about your rights and options and how to exclude yourself or object, go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

### **What happens next?**

The Court will hold a Final Approval Hearing on **September 14, 2023**, at a time to be determined, to (a) determine whether to grant final approval of the Settlement; (b) consider any timely objections; (c) rule on any application for attorneys' fees (up to 25% of the Funds, or up to \$11.25 million) plus expenses; (d) rule on any application for service awards (up to \$7,500 each to the 17 Class Representatives); and (e) determine whether or not to adopt the Plans of Distribution. The Court appointed Lieff Cabraser Heimann Bernstein LLP, Aitken, Aitken, Cohn, and Larson, LLP to be the attorneys representing the Classes. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **How do I get more information?**

For more information and to view the full notice, go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com), or contact the Settlement Administrator by writing to OC Oil Spill Settlement, c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, emailing [shippingdefendantinfo@ocoilspillsettlement.com](mailto:shippingdefendantinfo@ocoilspillsettlement.com), or calling 1-844-717-0591.

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# Si se vio afectado por el Derrame petrolero de octubre de 2021 en el condado de Orange, es posible que reúna los requisitos para recibir un pago de un acuerdo de demanda colectiva

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NEWS PROVIDED BY  
**JND Legal Administration** →  
10 Jul, 2023, 09:25 ET

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SEATTLE, 10 de julio de 2023 /PRNewswire/ -- JND Legal Administration

**Se ha alcanzado un Acuerdo propuesto con las compañías navieras en una demanda colectiva relacionada con el derrame petrolero de octubre de 2021 frente a la costa del condado de Orange, cerca de Huntington Beach (el "Derrame petrolero").**

## ¿En qué consiste?

Los demandantes presentaron reclamaciones en nombre de pescadores y procesadores comerciales, propietarios y arrendatarios de bienes inmuebles costeros y empresas turísticas frente al mar perjudicados por el Derrame petrolero ("Miembros de clase") alegando que ciertos "Demandados navieros" que poseen u operan dos buques portacontenedores son responsables del Derrame petrolero, porque esos buques arrastraron sus anclas sobre el oleoducto durante una fuerte tormenta anterior al derrame, dañando el oleoducto y, en última instancia, provocando su fuga. Los demandados navieros son Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., el *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd. y el *MSC Danit*. Los demandados navieros niegan estas alegaciones.

Case 8:21-cv-01628-DOC-JDE Document 761 Filed 07/31/23 Page 70 of 107 Page ID #:22560

Este Acuerdo se celebró para resolver las reclamaciones de los Miembros de clase contra los demandados navieros en la demanda titulada *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Caso n°. SA 21-CV-1628-DOC-JDE (C.D. Cal.). Este Acuerdo también resolvería las reclamaciones de los Miembros de clase en los litigios relacionados interpuestos por algunos de los demandados navieros para limitar su responsabilidad, titulados *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, Nos. 2:22-cv-02153-DOC-JDE and 2:22-mc-00213-DOC (C.D. Cal.) (colectivamente "Acción de limitación"). Ambas acciones están pendientes en el Distrito Central de California ante el Juez David O. Carter.

Si el Tribunal aprueba el Acuerdo, los pagos se efectuarán automáticamente a todos los Miembros de clase mediante cheque enviado por correo. Los Miembros de clase no tendrán que hacer nada para recibir un pago.

Este Acuerdo no aborda las reclamaciones contra los propietarios y operadores de los oleoductos Amplify Energy Corp., Beta Operating Company, LLC y San Pedro Bay Pipeline Company's (colectivamente "Amplify"). Los Miembros de clase de la demanda colectiva llegaron a un acuerdo independiente de 50 millones de dólares con Amplify que se está completando tras ser aprobado por el mismo Tribunal. Se ha emitido un aviso por separado en relación con dicho acuerdo y, para quienes tengan derecho a indemnización en virtud del mismo, se efectuarán pagos por separado. La palabra "Acuerdo" en mayúsculas en este aviso se refiere al Acuerdo alcanzado entre los Demandantes y los Demandados navieros.

### **¿Quiénes son los afectados?**

Usted es un Miembro de la clase Pescador si es (1) una persona o empresa que poseía o trabajaba en una embarcación de pesca comercial atracada en el puerto de Newport o en el puerto de Dana Point a partir del 2 de octubre de 2021, y/o desembarcaba mariscos dentro de los bloques de pesca 718-720, 737-741, 756-761, 801-806 y 821-827 del California Department of Fish & Wildlife entre el 2 de octubre de 2016 y el 2 de octubre de 2021, y que estuvieran en funcionamiento a partir del 2 de octubre de 2021; o (2) una persona o empresa que comprara y revendiera marisco comercial desembarcado de este modo, a nivel minorista o mayorista, y que estuvieran en funcionamiento el 2 de octubre de 2021.



Case 8:21-cv-01628-DOC-JDE Document 761 Filed 07/31/23 Page 71 of 107 Page ID #:22561  
Usted es un Miembro de la clase propietaria si poseía o arrendaba, entre el 2 de octubre de 2021 y el 31 de diciembre de 2021, propiedades residenciales frente al mar y/o propiedades frente al mar o propiedades residenciales con una servidumbre privada a la costa ubicadas entre el río San Gabriel y el arroyo San Juan en Dana Point, California.

Usted es un Miembro de la clase de Turismo Acuático si es una persona o entidad en funcionamiento entre el 2 de octubre de 2021 y el 31 de diciembre de 2021, que: (a) poseía o trabajaba en una embarcación marítima dedicada al negocio del turismo acuático oceánico (incluida la pesca deportiva, la observación de la vida marina y los cruceros de ocio) y accedía al agua entre el río San Gabriel y el arroyo San Juan en Dana Point; o (b) negocios de su propiedad que ofrecieran surf, paddle boarding, pesca recreativa y/u otros alquileres de equipos de playa u océano y/o lecciones o actividades; vendieran comida o bebidas; vendieran cebos o equipos de pesca, trajes de baño o ropa de surf y/u otros artículos de venta al por menor; o proporcionaran alojamiento a los visitantes al sur del río San Gabriel, al norte del arroyo San Juan y al oeste de: (1) Highway 1 en Seal Beach; (2) Orange Avenue y Pacific View Avenue en Huntington Beach; y (3) Highway 1 al sur de Huntington Beach.

Si cree que pertenece a alguna de las Clases anteriores pero no recibe el aviso por correo, envíe un correo electrónico a [shippingdefendantinfo@ocoilspillsettlement.com](mailto:shippingdefendantinfo@ocoilspillsettlement.com) o llame al 1-844-717-0591.

### **¿Qué establece el Acuerdo?**

En virtud del Acuerdo, los demandados navieros pagarán 45 millones de dólares para crear fondos de conciliación destinados a diferentes clases afectadas por el Derrame petrolero. Si el Acuerdo es aprobado por el Tribunal y se convierte en definitivo, los fondos se utilizarán para pagar a los Miembros de clase elegibles sobre la base de un plan de asignación aprobado por el Tribunal. Los fondos también se utilizarán para pagar los honorarios y costos de los abogados, los costes de notificación y administración del acuerdo, las indemnizaciones por servicio a los representantes de las clases y cualesquiera otros honorarios y costos aprobados por el Tribunal.

### **¿Qué opciones tengo?**

No hacer nada y recibir un pago. Siga formando parte de su respectiva Clase y reciba su pago. Quede sujeto a la decisión del Tribunal, renuncie a su derecho a demandar a los Demandados navieros por las reclamaciones resueltas por el Acuerdo y renuncie a cualquier reclamación que

Case 8:21-cv-01628-DOC-JDE Document 761 Filed 07/31/23 Page 72 of 107 Page ID #:22562  
pueda haber presentado en la "Acción de limitación" las demandas relacionadas Interpuestas por algunos de los Demandados navieros para limitar su responsabilidad, titulada *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) and 2:22-mc-00213-DOC.

Excluirse o renunciar a su participación: Si se excluye de la Clase (lo que también se conoce como renuncia), no recibirá ningún pago. Conservará todos los derechos que ya tenga para demandar a los Demandados navieros. No puede oponerse al Acuerdo.

Objeción. Si no se excluye del Acuerdo, puede oponerse al mismo o comunicar al Tribunal lo que no le agrada del Acuerdo. Usted seguirá siendo un Miembro de clase, lo que significa que seguirá recibiendo un pago y aún así renunciará a su derecho a demandar a los Demandados navieros por las reclamaciones resueltas por este Acuerdo, y desistirá de cualquier reclamación que pueda haber presentado en la Acción de limitación relacionada.

Las exclusiones y objeciones deberán estar selladas/servidas/presentadas antes del **21 de agosto de 2023**. Para obtener información sobre sus derechos y opciones, y sobre cómo excluirse u objetar, visite [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

### **¿Qué sucederá a continuación?**

El Tribunal celebrará una Audiencia de aprobación definitiva el **14 de septiembre de 2023**, en una fecha por determinar, para (a) determinar si otorga la aprobación definitiva del Acuerdo; (b) considerar cualquier objeción oportuna; (c) decidir sobre cualquier solicitud de honorarios de abogados (hasta el 25% de los Fondos, o hasta \$11.25 millones) más gastos; (d) decidir sobre cualquier solicitud de adjudicación de servicios (hasta \$7,500 a cada uno de los 17 Representantes de clase); y (e) determinar si se adoptan o no los Planes de distribución. El Tribunal designó a Lieff Cabraser Heimann Bernstein LLP, Aitken, Aitken, Cohn y Larson, LLP como abogados representantes de las Clases. Si desea que le represente su propio abogado, puede contratarlo asumiendo los gastos.

### **¿Cómo puedo obtener más información?**

Para obtener más información y consultar el aviso completo, visite [www.OCOILSpillSettlement.com](http://www.OCOILSpillSettlement.com), o póngase en contacto con el administrador del acuerdo escribiendo a OC Oil Spill Settlement, c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, enviando un correo electrónico a [shippingdefendantinfo@ocoilspillsettlement.com](mailto:shippingdefendantinfo@ocoilspillsettlement.com) o llamando al 1-844-717-0591.

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# **EXHIBIT I**

## **If you owned or leased waterfront property impacted by the October 2021 Orange County Oil Spill, you may be eligible to receive a payment in a class action settlement**

If you believe you are affected but did not receive a notice by mail/email, call 1-844-717-0591 or go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com) to see if you qualify

*A Federal Court authorized this Notice. You are not being sued.  
This is not a solicitation from a lawyer.*

**A proposed Settlement has been reached with shipping companies in a class action lawsuit involving the October 2021 oil spill off the coast of Orange County near Huntington Beach (the “Oil Spill”).**

**This Notice explains your rights and options and the deadlines to exercise them.**

### **What is this about?**

- Plaintiffs brought claims on behalf of commercial fishers and processors, coastal real property owners and lessees, and waterfront tourism businesses harmed by the Oil Spill (“Class Members”) alleging that certain “Shipping Defendants” that own or operate two container ships have responsibility for the Oil Spill because those ships dragged their anchors over the pipeline during a heavy storm event prior to the spill, damaging the pipeline and ultimately causing it to leak. The Shipping Defendants are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*. The Shipping Defendants deny those allegations.
- This Settlement was reached to resolve Class Members’ claims against the Shipping Defendants in the lawsuit titled *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). This Settlement would also resolve claims by Class Members in the related lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, Nos. 2:22-cv-02153-DOC-JDE and 2:22-mc-00213-DOC (C.D. Cal.) (collectively “Limitation Action”). Both actions are pending in the Central District of California before Judge David O. Carter.
- This Settlement does not address claims against the pipeline owners and operators Amplify Energy Corp., Beta Operating Company, LLC and San Pedro Bay Pipeline Company’s (collectively “Amplify”). Class Members reached a separate \$50 million settlement with Amplify that is being finalized after being approved by the same Court. A separate notice was issued regarding that settlement, and for those eligible for compensation under it, separate payments will be made. The capitalized word “Settlement” in this notice refers to the Settlement reached between Plaintiffs and the Shipping Defendants.

### **What does this Settlement provide?**

- Under the Settlement, the Shipping Defendants will pay \$45 million to create settlement funds for different classes affected by the Oil Spill. Of that money, \$8.1 million will be used for the Property Class Settlement Fund. If the Settlement is approved by the Court and becomes final, the funds will be used to pay eligible Class Members based on an allocation plan approved by the Court. The funds will also be used to pay attorney fees and costs, notice and settlement administration costs, service awards to Class Representatives, and any other fees and costs approved by the Court.
- Payments will be made to Property Class Members automatically by mailed check. Property Class Members do not need to do anything to receive a payment.



**Who is affected?**

- You are a Property Class Member if you were an owner or lessee, between October 2, 2021, and December 31, 2021, of residential waterfront and/or waterfront properties or residential properties with a private easement to the coast located between the San Gabriel River and the San Juan Creek in Dana Point, California.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be distributed to qualifying Class Members only if the Court approves the Settlement and after potential appeals are resolved.

**PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS ARE AFFECTED IF YOU ARE A MEMBER OF THE PROPERTY CLASS.**

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>		
<b><u>Options:</u></b>	<b><u>Details:</u></b>	<b><u>Deadlines:</u></b>
<b>RECEIVE A PAYMENT</b>	<ul style="list-style-type: none"> <li>If you are a Property Class Member, you do not need to do anything to receive a payment.</li> <li>If the Court approves the Settlement, checks will be mailed to all Property Class Members who do not opt out.</li> <li>You will give up your right to sue the Shipping Defendants for damages caused by this Oil Spill, and release any claims you may have filed in the related lawsuits brought by some of the Shipping Defendants to limit their liability, titled <i>In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice</i>, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) and 2:22-mc-00213-DOC (collectively “Limitation Action”).</li> </ul>	N/A
<b>EXCLUDE YOURSELF (“OPT OUT”)</b>	<ul style="list-style-type: none"> <li>Receive no payment from the Settlement.</li> <li>Keep any rights to sue the Shipping Defendants that you already have.</li> <li>You cannot object to the Settlement.</li> </ul>	Postmark request to exclude yourself on or before <b>August 21, 2023</b>
<b>OBJECT</b>	<ul style="list-style-type: none"> <li>Tell the Court you do not like something about the Settlement.</li> <li>You will still remain a Class Member, meaning you will still receive a payment, and you will still give up your right to sue the Shipping Defendants for the claims resolved by this Settlement, and release any claims you may have filed in the related Limitation Action.</li> </ul>	File your objection with the Court and serve it on the parties on or before <b>August 21, 2023</b>

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**BASIC INFORMATION**

**1. Why was this Notice issued?**

A proposed Settlement has been reached in the class action lawsuit involving the October 2021 oil spill off the coast of Orange County near Huntington Beach (the “Oil Spill”). A Federal Court authorized this Notice because you have a right to know about the proposed Settlement between the Property Class and the Shipping Defendants and about your rights and options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the proposed Settlement, your legal rights, and the hearing (“Final Approval Hearing”) to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlement.

The case is called *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). The persons who have filed the class action and serve as Property Class Representatives are John Pedicini, Mary Pedicini, Rajasekaran Wickramasekaran, and Chandralekha Wickramasekaran. Additional Plaintiffs serve as Class Representatives to represent the Fisher and Waterfront Tourism Classes. The Shipping Defendants in the lawsuit are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*.

**2. What is this case about?**

On October 1, 2021, an underground pipeline known as Amplify’s P00547 Pipeline ruptured, resulting in the Oil Spill off the coast of Orange County near Huntington Beach. Plaintiffs allege that two container ships, the *M/V Beijing* and the *MSC Danit*, crossed over the pipeline during a heavy storm and that contact between their anchors and the pipeline caused the Oil Spill. The Shipping Defendants deny those allegations and assert that the Oil Spill was caused by the allegedly negligent conduct of Amplify, the pipeline’s owners and operators.

**3. Why is this a class action?**

In a class action, one or more people called class representatives sue on behalf of people who have similar claims. All these people can be a class or class members (if a judge approves). Bringing a case as a class action allows adjudication of many similar claims that might be economically too small to bring in individual actions. One court resolves the issues for all class members, except for those who exclude themselves (opt out) from the class.

**4. Why is there a Settlement?**

The Court has not decided whether Plaintiffs or the Shipping Defendants are right. Instead, each party agreed to the Settlement to avoid the uncertainties and expenses associated with continuing the litigation. The Class Representatives and their attorneys think the Settlement is best for the Classes.

**THIS NOTICE IS NOT INTENDED TO BE AN EXPRESSION OF ANY OPINION BY THE COURT WITH RESPECT TO THE TRUTH OF THE ALLEGATIONS IN THE LAWSUIT OR THE MERITS OF THE CLAIMS OR DEFENSES ASSERTED. THIS NOTICE IS SOLELY TO ADVISE YOU OF THE PROPOSED SETTLEMENT AND YOUR RIGHTS IN CONNECTION WITH THAT SETTLEMENT.**

**5. I received a notice before about a settlement for this Oil Spill. Is this the same thing?**

No, the prior notice related to a different settlement with different defendants related to the same Oil Spill. This Settlement is with the Shipping Defendants that Plaintiffs allege caused the Oil Spill by dragging their anchors and striking or otherwise making contact with the pipeline during a heavy storm event in January 2021. The prior settlement was with the pipeline owners and operators (Amplify). The two settlements are separate, although both involve the same class members. If the Court approves this Settlement, checks will be mailed to Property Class Members from funds paid by the Shipping Defendants. The same Court recently approved the settlement with Amplify, and separate payments will be made to those eligible from funds paid by Amplify.

To learn more about the two settlements, visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

**WHO'S INCLUDED IN THE SETTLEMENT?**

**6. How do I know if I am in the Class?**

The Property Class includes owners or lessees, between October 2, 2021, and December 31, 2021, of residential waterfront and/or waterfront properties or residential properties with a private easement to the coast located between the San Gabriel River and the San Juan Creek in Dana Point, California.

Excluded from the Property Class are:

- the Shipping Defendants, any entity or division in which the Shipping Defendants have a controlling interest, and their legal representatives, officers, directors, employees, assigns and successors;
- the judge to whom this case is assigned, the judge's staff, and any member of the judge's immediate family;
- all employees of the law firms representing Plaintiffs and the Class Members; and
- all who exclude themselves (opt out) from the Class.

**THE SETTLEMENT BENEFITS**

**7. What does the Settlement provide?**

The Property Class Settlement, if approved, will result in the creation of a cash settlement fund of \$8.1 million (the "Property Class Settlement Amount"). The Property Class Settlement Amount, together with any interest earned thereon, is the "Property Class Common Fund."

The Property Class Common Fund will be used to pay eligible Class Members, attorney fees and costs as awarded by the Court ("Fees and Costs Award"), all costs associated with notice and settlement administration, any service awards to be paid to Class Representatives as approved by the Court, and any other fees and costs approved by the Court. If you are entitled to relief under the Property Class Settlement, the Settlement Administrator will determine the amount payable to you based on the Court-approved Plan of Distribution.

**8. How will the lawyers be paid?**

Class Counsel will apply to the Court for fees of up to 25% of the Settlement for the Property Class (up to \$2.025 million) plus a proportional amount of expenses. Class Counsel will also ask the Court to award up to \$7,500 to each of the Property Class Representatives as a service award, in recognition of their time and effort spent on behalf of the Property Class in achieving this Settlement. Any amount awarded to Class Counsel or the Property Class Representatives related to the Property Class Settlement will be paid out of the Property Class Common Fund.

The Court may award less than the amount requested by Class Counsel. Class Counsel will file their motion for attorneys' fees and expenses no later than July 31, 2023. A copy of the motion will be available at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

### **HOW TO GET BENEFITS**

#### **9. How much money will I personally receive?**

Class Counsel will submit the proposed Plan of Distribution to the Court within 10 days of the Court preliminarily approving the Settlement. Class Counsel will post the proposed Plan of Distribution at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). If the Settlement is approved and becomes final, the Court-appointed Settlement Administrator, a neutral third party, will calculate individual settlement payments based on the Court-approved Plan of Distribution, and payments will be made to eligible Class Members accordingly. Exact payment amounts will not be known until after the Court grants final approval to the Settlement.

Payments from this Settlement will be separate from payments that will be issued under the settlement with the pipeline companies (Amplify) related to this Oil Spill.

#### **10. How can I get a payment?**

If the Settlement is approved by the Court, members of the Property Class will be sent checks automatically and will not have to file claims to receive settlement payments.

#### **11. Am I definitely going to get money from this Settlement?**

No. There will be no payments if the Settlement is not approved by the Court or if approval is reversed on appeal. If the Settlement is approved, you will receive a payment only if you are a Class Member and do not opt out.

### **THE LAWYERS REPRESENTING YOU**

#### **12. Do I have a lawyer in this case?**

The Court has appointed three law firms—Lief Cabraser Heimann Bernstein LLP; Aitken, Aitken, Cohn; and Larson, LLP (“Interim Settlement Class Counsel”)—to be the attorneys representing the Fisher, Property, and Waterfront Tourism Classes. Interim Settlement Class Counsel believe that the Settlement Agreement is fair, reasonable, and in the best interests of the Classes. If you want to be represented by your own lawyer, you may hire one at your own expense. If you wish to contact your Court-appointed lawyers, their contact information is below:

Lexi J. Hazam  
LIEFF CABRASER  
HEIMANN BERNSTEIN LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
(415) 956-1000

Stephen Larson  
LARSON LLP  
555 Flower St. #4400  
Los Angeles, CA 90071  
(213) 436-4888

Wylie A. Aitken  
AITKEN, AITKEN, COHN  
3 MacArthur Pl. Suite 800  
Santa Ana, CA 92707  
(714) 434-1424

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

#### **13. Can I exclude myself from the Settlement?**

Yes. If you want to keep your right to sue or continue to sue the Shipping Defendants on your own and at your own expense about the claims released in this Settlement, then you must take steps to exclude yourself—sometimes referred to as “opting out” of the Settlement.

Questions? Please call 1-844-717-0591 or visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com)

**14. How do I exclude myself from the Settlement?**

To exclude yourself (or “opt out”) from the Settlement, you must mail a request for exclusion postmarked no later than **August 21, 2023**, to the Settlement Administrator at the following address:

Orange County Oil Spill Shipping Defendant Settlement  
c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111-9350

Your exclusion request must include:

- Your full legal name, valid mailing address, and functioning telephone number;
- A statement that you have reviewed and understood the Class Notice and choose to be excluded from the Settlement;
- The name of and contact information for your attorney, if represented by an attorney; and
- Your handwritten signature.

If you ask to be excluded from the Settlement, you will not get a payment, and you cannot object to the Settlement. You will not be legally bound by the Settlement, and you may be able to sue (or continue to sue) the Shipping Defendants and the other Released Parties about the claims in this lawsuit.

If you don’t include the required information or timely submit your request for exclusion, you will remain a Class Member and will not be able to sue the Shipping Defendants or the other Released Parties about the claims in this lawsuit.

**15. If I don’t exclude myself, can I sue the Shipping Defendants for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Shipping Defendants for the claims that this Settlement resolves. If you have a pending lawsuit or claim, speak to your lawyer immediately. You must exclude yourself from this Settlement to continue your own lawsuit or claim. If you properly exclude yourself from the Settlement, you will not be bound by any orders or judgments entered relating to the Settlement.

**16. If I exclude myself, can I still get a Settlement payment?**

No. You will not get any money from the Settlement if you exclude yourself.

**OBJECTING TO THE SETTLEMENT**

**17. How do I object to the Settlement?**

If you are a Class Member, you can object to the Settlement with the Shipping Defendants in writing if you do not like a part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file a written objection stating that you object to the Settlement in *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.).

Your written objection must include:

- Your name, address, and telephone number;
- Proof of class membership including documents such as a deed;
- A statement indicating whether the objection is to the proposed Settlement, the Plan of Distribution, or the application for attorneys’ fees and costs;



- A statement of the factual and legal reasons for your objection;
- A list identifying all class action settlements to which you have previously objected, including the name, date, and court of those cases;
- The name and contact information of any and all lawyers representing, advising, or in any way assisting you in connection with your objection;
- Copies of all documents that you wish to submit in support of your position; and
- Your signature.

Your objection must be filed with the Court and mailed or delivered to Interim Settlement Class Counsel and the Shipping Defendants' Counsel listed below by certified mail postmarked no later than **August 21, 2023**.

You can file objections with the Court either electronically at <https://ecf.cacd.uscourts.gov> or by mail at:

Clerk of the Court  
United States District Court for the Central District of California  
Ronald Reagan Federal Building and United States Courthouse  
411 West 4th Street,  
Courtroom 10 A,  
Santa Ana, CA 92701-4516

Objections should be sent by certified mailed or delivered to the following addresses for the parties' counsel (see next page):

Interim Settlement Class Counsel	Counsel for the Beijing Defendants	
<p>Lexi J. Hazam LIEFF CABRASER HEIMANN BERNSTEIN LLP 275 Battery Street, 29th Floor San Francisco, CA 94111-3339 (415) 956-1000</p> <p>Wylie A. Aitken AITKEN, AITKEN, COHN 3 MacArthur Pl. Suite 800 Santa Ana, CA 92707 (714) 434-1424</p> <p>Stephen Larson LARSON LLP 555 Flower St. #4400 Los Angeles, CA 90071 (213) 436-4888</p>	<p>Kevin J. Orsini CRAVATH, SWAINE &amp; MOORE LLP Worldwide Plaza 825 Eighth Avenue New York, NY 10019 (212) 474-1000</p> <p>Albert E. Peacock III PEACOCK PIPER TONG + VOSS LLP 100 West Broadway, Suite 610 Long Beach, CA 90802 (562) 320-8880</p>	
	<th data-bbox="837 653 1505 695">Counsel for the Dordellas Defendants</th> <p data-bbox="837 695 1505 926">Jonathan W. Hughes ARNOLD &amp; PORTER KAYE SCHOLER LLP Three Embarcadero Center, Tenth Floor San Francisco, CA 94111 (415) 471-3156</p> <p data-bbox="837 926 1505 1165">Joseph A. Walsh II COLLIER WALSH NAKAZAWA LLP One World Trade Center, Suite 2370 Long Beach, CA 90831 (562) 317-3300</p>	Counsel for the Dordellas Defendants

**18. What is the difference between objecting and excluding myself (opting out)?**

Objecting is telling the Court that you don't like something about the Settlement with the Shipping Defendants. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself, or opting out, from the Settlement is telling the Court that you don't want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object to the Settlement because it no longer affects you.

**OBLIGATIONS AND RELEASED CLAIMS**

**19. What are my rights and obligations under the Settlement?**

If you are a Property Class Member and you do not exclude yourself from the Settlement with the Shipping Defendants, and the Court approves the Settlement, you will automatically receive a Settlement payment. Unless you exclude yourself (opt out), you will be bound by the terms of the Settlement upon final approval by the Court, and release any rights you have to sue the Shipping Defendants about the claims in this lawsuit. You will also release any claims you may have filed in the related "Limitation" Action lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.).

**20. What claims will be released by the Settlement?**

If the Settlement with the Shipping Defendants is approved by the Court, all Class Members will be bound by the Settlement and will be deemed to have, fully, finally, and forever released the Shipping Defendants and other Released Parties from any and all claims for any losses of any kind or nature whatsoever, whether known or unknown, arising out of or relating to the Oil Spill. You will also release any claims you may have filed in the related “Limitation Action” lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) and 2:22-mc-00213-DOC (C.D. Cal.). The specific claims you are giving up against the Shipping Defendants are described in the Settlement Agreement at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can talk to your own lawyer at your own expense.

**FINAL APPROVAL HEARING**

**21. May I attend the Final Approval Hearing?**

Yes. The Court will hold a Final Approval Hearing on **September 14, 2023**, at a time to be determined, at the United States District Court for the Central District of California, Ronald Reagan Federal Building and United States Courthouse, 411 West 4th Street, Courtroom 10 A, Santa Ana, CA 92701. At the hearing the Court will (a) determine whether to grant final approval to this Settlement Agreement; (b) consider any timely objections to this Settlement and the responses to such objections; (c) rule on any application for attorneys’ fees and costs; (d) rule on any application for service awards; and (e) determine whether or not to adopt the Plans of Distribution. At the Final Approval Hearing, the Class Representatives, acting through Interim Settlement Class Counsel, will ask the Court to give final approval to this Settlement Agreement.

The date and time of this hearing may change without further notice, and/or the Court could order that this hearing be held remotely or telephonically. Check [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com) for updates.

**22. Do I have to come to the Final Approval Hearing?**

No. Interim Settlement Class Counsel will answer any questions the Court may have, but you are welcome to come at your own expense. If you submit an objection, you do not have to come to Court to talk about it. As long as you filed your written objection with the Court and served it on the parties by **August 21, 2023**, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it’s not necessary.

**GETTING MORE INFORMATION**

**23. How can I get more information?**

This Notice summarizes the Settlement. You can get more details and print the Settlement Agreement at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). You may also write with questions or notify the Settlement Administrator regarding address changes to Orange County Oil Spill Shipping Defendant Settlement c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, email at [shippingdefendantinfo@ocoilspillsettlement.com](mailto:shippingdefendantinfo@ocoilspillsettlement.com) or call 1-844-717-0591.

**PLEASE DO NOT CONTACT THE COURT**

**BY ORDER OF THE COURT  
HON. DAVID S. CARTER  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Questions? Please call 1-844-717-0591 or visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com)

# **EXHIBIT J**

## **If you owned or worked on a commercial fishing vessel or landed or resold seafood and were affected by the October 2021 Orange County Oil Spill, you may be eligible to receive a payment in a class action settlement**

If you believe you are affected but did not receive a notice by mail/email, call 1-844-717-0591 or go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com) to see if you qualify

*A Federal Court authorized this Notice. You are not being sued.  
This is not a solicitation from a lawyer.*

**A proposed Settlement has been reached with shipping companies in a class action lawsuit involving the October 2021 oil spill off the coast of Orange County near Huntington Beach (the “Oil Spill”).**

**This Notice explains your rights and options and the deadlines to exercise them.**

### **What is this about?**

- Plaintiffs brought claims on behalf of commercial fishers and processors, coastal real property owners and lessees, and waterfront tourism businesses harmed by the Oil Spill (“Class Members”) alleging that certain “Shipping Defendants” that own or operate two container ships have responsibility for the Oil Spill because those ships dragged their anchors over the pipeline during a heavy storm event prior to the spill, damaging the pipeline and ultimately causing it to leak. The Shipping Defendants are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*. The Shipping Defendants deny those allegations.
- This Settlement was reached to resolve Class Members’ claims against the Shipping Defendants in the lawsuit titled *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). This Settlement would also resolve claims by Class Members in the related lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, Nos. 2:22-cv-02153-DOC-JDE and 2:22-mc-00213-DOC (C.D. Cal.) (collectively “Limitation Action”). Both actions are pending in the Central District of California before Judge David O. Carter.
- This Settlement does not address claims against the pipeline owners and operators Amplify Energy Corp., Beta Operating Company, LLC and San Pedro Bay Pipeline Company’s (collectively “Amplify”). Class Members reached a separate \$50 million settlement with Amplify that is being finalized after being approved by the same Court. A separate notice was issued regarding that settlement, and for those eligible for compensation under it, separate payments will be made. The capitalized word “Settlement” in this notice refers to the Settlement reached between Plaintiffs and the Shipping Defendants.

### **What does this Settlement provide?**

- Under the Settlement, the Shipping Defendants will pay \$45 million to create settlement funds for different classes affected by the Oil Spill. Of that money, \$30.6 million will be used for the Fisher Class Settlement Fund. If the Settlement is approved by the Court and becomes final, the funds will be used to pay eligible Class Members based on an allocation plan approved by the Court. The funds will also be used to pay attorney fees and costs, notice and settlement administration costs, service awards to Class Representatives, and any other fees and costs approved by the Court.
- Payments will be made to Fisher Class Members automatically by mailed check. Fisher Class Members do not need to do anything to receive a payment.

Questions? Please call 1-844-717-0591 or visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com)

**Who is affected?**

- You are a Fisher Class Member if you are a person or business who owned or worked on a commercial fishing vessel docked in Newport Harbor or Dana Point Harbor as of October 2, 2021, and/or who landed seafood within the California Department of Fish & Wildlife fishing blocks 718-720, 737-741, 756-761, 801-806, and 821-827 between October 2, 2016 and October 2, 2021, and were in operation as of October 2, 2021, and/or a person or business who purchased and resold commercial seafood so landed, at the retail or wholesale level, that were in operation as of October 2, 2021.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be distributed to qualifying Class Members only if the Court approves the Settlement and after potential appeals are resolved.

**PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS ARE AFFECTED IF YOU ARE A MEMBER OF THE FISHER CLASS.**

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>		
<b><u>Options:</u></b>	<b><u>Details:</u></b>	<b><u>Deadlines:</u></b>
<b>RECEIVE A PAYMENT</b>	<ul style="list-style-type: none"> <li>• If you are a Fisher Class Member, you do not need to do anything to receive a payment.</li> <li>• If the Court approves the Settlement, checks will be mailed to all Fisher Class Members who do not opt out.</li> <li>• You will give up your right to sue the Shipping Defendants for damages caused by this Oil Spill, and release any claims you may have filed in the related lawsuits brought by some of the Shipping Defendants to limit their liability, titled <i>In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice</i>, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) and 2:22-mc-00213-DOC (collectively “Limitation Action”).</li> </ul>	N/A
<b>EXCLUDE YOURSELF (“OPT OUT”)</b>	<ul style="list-style-type: none"> <li>• Receive no payment from the Settlement.</li> <li>• Keep any rights to sue the Shipping Defendants that you already have.</li> <li>• You cannot object to the Settlement.</li> </ul>	Postmark request to exclude yourself on or before <b>August 21, 2023</b>
<b>OBJECT</b>	<ul style="list-style-type: none"> <li>• Tell the Court you do not like something about the Settlement.</li> <li>• You will still remain a Class Member, meaning you will still receive a payment, and you will still give up your right to sue the Shipping Defendants for the claims resolved by this Settlement, and release any claims you may have filed in the related Limitation Action.</li> </ul>	File your objection with the Court and serve it on the parties on or before <b>August 21, 2023</b>



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## **BASIC INFORMATION**

### **1. Why was this Notice issued?**

A proposed Settlement has been reached in the class action lawsuit involving the October 2021 oil spill off the coast of Orange County near Huntington Beach (the “Oil Spill”). A Federal Court authorized this Notice because you have a right to know about the proposed Settlement between the Fisher Class and the Shipping Defendants and about your rights and options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the proposed Settlement, your legal rights, and the hearing (“Final Approval Hearing”) to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlement.

The case is called *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). The persons who have filed the class action and serve as Fisher Class Representatives are Donald C. Brockman, Heidi M. Jacques, John Crow, Josh Hernandez, LBC Seafood, Inc., and Quality Sea Food Inc. Additional Plaintiffs serve as Class Representatives to represent the Property and Waterfront Tourism Classes. The Shipping Defendants in the lawsuit are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*.

### **2. What is this case about?**

On October 1, 2021, an underground pipeline known as Amplify’s P00547 Pipeline ruptured, resulting in the Oil Spill off the coast of Orange County near Huntington Beach. Plaintiffs allege that two container ships, the *M/V Beijing* and the *MSC Danit*, crossed over the pipeline during a heavy storm and that contact between their anchors and the pipeline caused the Oil Spill. The Shipping Defendants deny those allegations and assert that the Oil Spill was caused by the allegedly negligent conduct of Amplify, the pipeline’s owners and operators.

### **3. Why is this a class action?**

In a class action, one or more people called class representatives sue on behalf of people who have similar claims. All these people can be a class or class members (if a judge approves). Bringing a case as a class action allows adjudication of many similar claims that might be economically too small to bring in individual actions. One court resolves the issues for all class members, except for those who exclude themselves (opt out) from the class.

### **4. Why is there a Settlement?**

The Court has not decided whether Plaintiffs or the Shipping Defendants are right. Instead, each party agreed to the Settlement to avoid the uncertainties and expenses associated with continuing the litigation. The Class Representatives and their attorneys think the Settlement is best for the Classes.

**THIS NOTICE IS NOT INTENDED TO BE AN EXPRESSION OF ANY OPINION BY THE COURT WITH RESPECT TO THE TRUTH OF THE ALLEGATIONS IN THE LAWSUIT OR THE MERITS OF THE CLAIMS OR DEFENSES ASSERTED. THIS NOTICE IS SOLELY TO ADVISE YOU OF THE PROPOSED SETTLEMENT AND YOUR RIGHTS IN CONNECTION WITH THAT SETTLEMENT.**

### **5. I received a notice before about a settlement for this Oil Spill. Is this the same thing?**

No, the prior notice related to a different settlement with different defendants related to the same Oil Spill. This Settlement is with the Shipping Defendants that Plaintiffs allege caused the Oil Spill by dragging their anchors and striking or otherwise making contact with the pipeline during a heavy storm event in January 2021. The prior settlement was with the pipeline owners and operators (Amplify). The two settlements are separate, although both

involve the same class members. If the Court approves this Settlement, checks will be mailed to Fisher Class Members from funds paid by the Shipping Defendants. The same Court recently approved the settlement with Amplify, and separate payments will be made to those eligible from funds paid by Amplify.

To learn more about the two settlements, visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

## **WHO'S INCLUDED IN THE SETTLEMENT?**

### **6. How do I know if I am in the Class?**

The Fisher Class includes persons or businesses who owned or worked on a commercial fishing vessel docked in Newport Harbor or Dana Point Harbor as of October 2, 2021, and/or who landed seafood within the California Department of Fish & Wildlife fishing blocks 718-720, 737-741, 756-761, 801-806, and 821-827 between October 2, 2016 and October 2, 2021, and were in operation as of October 2, 2021, and/or persons or businesses who purchased and resold commercial seafood so landed, at the retail or wholesale level, and were in operation as of October 2, 2021.

Excluded from the Fisher Class are:

- the Shipping Defendants, any entity or division in which the Shipping Defendants have a controlling interest, and their legal representatives, officers, directors, employees, assigns and successors;
- the judge to whom this case is assigned, the judge's staff, and any member of the judge's immediate family;
- all employees of the law firms representing Plaintiffs and the Class Members; and
- all who exclude themselves (opt out) from the Class.

## **THE SETTLEMENT BENEFITS**

### **7. What does the Settlement provide?**

The Fisher Class Settlement, if approved, will result in the creation of a cash settlement fund of \$30.6 million (the "Fisher Class Settlement Amount"). The Fisher Class Settlement Amount, together with any interest earned thereon, is the "Fisher Class Common Fund."

The Fisher Class Common Fund will be used to pay eligible Class Members, attorney fees and costs as awarded by the Court ("Fees and Costs Award"), all costs associated with notice and settlement administration, any service awards to be paid to Class Representatives as approved by the Court, and any other fees and costs approved by the Court. If you are entitled to relief under the Fisher Class Settlement, the Settlement Administrator will determine the amount payable to you based on the Court-approved Plan of Distribution.

### **8. How will the lawyers be paid?**

Class Counsel will apply to the Court for fees of up to 25% of the Settlement for the Fisher Class (up to \$7.65 million) plus a proportional amount of expenses. Class Counsel will also ask the Court to award up to \$7,500 to each of the Fisher Class Representatives as a service award, in recognition of their time and effort spent on behalf of the Fisher Class in achieving this Settlement. Any amount awarded to Class Counsel or the Fisher Class Representatives related to the Fisher Class Settlement will be paid out of the Fisher Class Common Fund.

The Court may award less than the amount requested by Class Counsel. Class Counsel will file their motion for attorneys' fees and expenses no later than July 31, 2023. A copy of the motion will be available at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

## **HOW TO GET BENEFITS**

### **9. How much money will I personally receive?**

Class Counsel will submit the proposed Plan of Distribution to the Court within 10 days of the Court preliminarily approving the Settlement. The proposed Plan of Distribution will be available at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). If the Settlement is approved and becomes final, the Court-appointed Settlement Administrator, a neutral third party, will calculate individual settlement payments based on the Court-approved Plan of Distribution, and payments will be made to eligible Class Members accordingly. Exact payment amounts will not be known until after the Court grants final approval to the Settlement.

Payments from this Settlement will be separate from payments that will be issued under the settlement with the pipeline companies (Amplify) related to this Oil Spill.

### **10. How can I get a payment?**

If the Settlement is approved by the Court, members of the Fisher Class will be sent checks automatically and will not have to file claims to receive settlement payments.

### **11. Am I definitely going to get money from this Settlement?**

No. There will be no payments if the Settlement is not approved by the Court or if approval is reversed on appeal. If the Settlement is approved, you will receive a payment only if you are a Class Member and do not opt out.

## **THE LAWYERS REPRESENTING YOU**

### **12. Do I have a lawyer in this case?**

The Court has appointed three law firms—Lief Cabraser Heimann Bernstein LLP; Aitken, Aitken, Cohn; and Larson, LLP (“Interim Settlement Class Counsel”)—to be the attorneys representing the Fisher, Property, and Waterfront Tourism Classes. Interim Settlement Class Counsel believe that the Settlement Agreement is fair, reasonable, and in the best interests of the Classes. If you want to be represented by your own lawyer, you may hire one at your own expense. If you wish to contact your Court-appointed lawyers, their contact information is below:

Lexi J. Hazam  
LIEFF CABRASER  
HEIMANN BERNSTEIN LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
(415) 956-1000

Stephen Larson  
LARSON LLP  
555 Flower St. #4400  
Los Angeles, CA 90071  
(213) 436-4888

Wylie A. Aitken  
AITKEN, AITKEN, COHN  
3 MacArthur Pl. Suite 800  
Santa Ana, CA 92707  
(714) 434-1424

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

### **13. Can I exclude myself from the Settlement?**

Yes. If you want to keep your right to sue or continue to sue the Shipping Defendants on your own and at your own expense about the claims released in this Settlement, then you must take steps to exclude yourself—referred to as “opting out” of the Settlement.

**14. How do I exclude myself from the Settlement?**

To exclude yourself (or “opt out”) from the Settlement, you must mail a request for exclusion postmarked no later than **August 21, 2023**, to the Settlement Administrator at the following address:

Orange County Oil Spill Shipping Defendant Settlement  
c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111-9350

Your exclusion request must include:

- Your full legal name, valid mailing address, and functioning telephone number;
- A statement that you have reviewed and understood the Class Notice and choose to be excluded from the Settlement;
- The name of and contact information for your attorney, if represented by an attorney; and
- Your handwritten signature.

If you ask to be excluded from the Settlement, you will not get a payment, and you cannot object to the Settlement. You will not be legally bound by the Settlement, and you may be able to sue (or continue to sue) the Shipping Defendants and the other Released Parties about the claims in this lawsuit.

If you don’t include the required information or timely submit your request for exclusion, you will remain a Class Member and will not be able to sue the Shipping Defendants or the other Released Parties about the claims in this lawsuit.

**15. If I don’t exclude myself, can I sue the Shipping Defendants for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Shipping Defendants for the claims that this Settlement resolves. If you have a pending lawsuit or claim, speak to your lawyer immediately. You must exclude yourself from this Settlement to continue your own lawsuit or claim. If you properly exclude yourself from the Settlement, you will not be bound by any orders or judgments entered relating to the Settlement.

**16. If I exclude myself, can I still get a Settlement payment?**

No. You will not get any money from the Settlement if you exclude yourself.

**OBJECTING TO THE SETTLEMENT**

**17. How do I object to the Settlement?**

If you are a Class Member, you can object to the Settlement with the Shipping Defendants in writing if you do not like a part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file a written objection stating that you object to the Settlement in *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.).

Your written objection must include:

- Your name, address, and telephone number;
- Proof of class membership including documents such as fish landing records;
- A statement indicating whether the objection is to the proposed Settlement, the Plan of Distribution, or the application for attorneys’ fees and costs;

Questions? Please call 1-844-717-0591 or visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com)

- A statement of the factual and legal reasons for your objection;
- A list identifying all class action settlements to which you have previously objected, including the name, date, and court of those cases;
- The name and contact information of any and all lawyers representing, advising, or in any way assisting you in connection with your objection;
- Copies of all documents that you wish to submit in support of your position; and
- Your signature.

Your objection must be filed with the Court and mailed or delivered to Interim Settlement Class Counsel and the Shipping Defendants' Counsel listed below by certified mail postmarked no later than **August 21, 2023**.

You can file objections with the Court either electronically at <https://ecf.cacd.uscourts.gov> or by mail at:

Clerk of the Court  
United States District Court for the Central District of California  
Ronald Reagan Federal Building and United States Courthouse  
411 West 4th Street,  
Courtroom 10 A,  
Santa Ana, CA 92701-4516

Objections should be sent by certified mailed or delivered to the following addresses for the parties' counsel (see next page):



Interim Settlement Class Counsel	Counsel for the Beijing Defendants	
<p>Lexi J. Hazam LIEFF CABRASER HEIMANN BERNSTEIN LLP 275 Battery Street, 29th Floor San Francisco, CA 94111-3339 (415) 956-1000</p> <p>Wylie A. Aitken AITKEN, AITKEN, COHN 3 MacArthur Pl. Suite 800 Santa Ana, CA 92707 (714) 434-1424</p> <p>Stephen Larson LARSON LLP 555 Flower St. #4400 Los Angeles, CA 90071 (213) 436-4888</p>	<p>Kevin J. Orsini CRAVATH, SWAINE &amp; MOORE LLP Worldwide Plaza 825 Eighth Avenue New York, NY 10019 (212) 474-1000</p> <p>Albert E. Peacock III PEACOCK PIPER TONG + VOSS LLP 100 West Broadway, Suite 610 Long Beach, CA 90802 (562) 320-8880</p>	
	<th data-bbox="841 661 1507 718">Counsel for the Dordellas Defendants</th>	Counsel for the Dordellas Defendants
	<p>Jonathan W. Hughes ARNOLD &amp; PORTER KAYE SCHOLER LLP Three Embarcadero Center, Tenth Floor San Francisco, CA 94111 (415) 471-3156</p> <p>Joseph A. Walsh II COLLIER WALSH NAKAZAWA LLP One World Trade Center, Suite 2370 Long Beach, CA 90831 (562) 317-3300</p>	

**18. What is the difference between objecting and excluding myself (opting out)?**

Objecting is telling the Court that you don't like something about the Settlement with the Shipping Defendants. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself, or opting out, from the Settlement is telling the Court that you don't want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object to the Settlement because it no longer affects you.

**OBLIGATIONS AND RELEASED CLAIMS**

**19. What are my rights and obligations under the Settlement?**

If you are a Fisher Class Member and you do not exclude yourself from the Settlement with the Shipping Defendants, and the Court approves the Settlement, you will automatically receive a Settlement payment. Unless you exclude yourself (opt out), you will be bound by the terms of the Settlement upon final approval by the Court, and release any rights you have to sue the Shipping Defendants about the claims in this lawsuit. You will also release any claims you may have filed in the related "Limitation Action" lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.).

**20. What claims will be released by the Settlement?**

If the Settlement with the Shipping Defendants is approved by the Court, all Class Members will be bound by the Settlement and will be deemed to have, fully, finally, and forever released the Shipping Defendants and other Released Parties from any and all claims for any losses of any kind or nature whatsoever, whether known or unknown, arising out of or relating to the Oil Spill. You will also release any claims you may have filed in the related "Limitation Action" lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) and 2:22-mc-00213-DOC (C.D. Cal.). The specific claims you are giving up against the Shipping Defendants are described in the Settlement Agreement at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can talk to your own lawyer at your own expense.

**FINAL APPROVAL HEARING**

**21. May I attend the Final Approval Hearing?**

Yes. The Court will hold a Final Approval Hearing on **September 14, 2023**, at a time to be determined, at the United States District Court for the Central District of California, Ronald Reagan Federal Building and United States Courthouse, 411 West 4th Street, Courtroom 10 A, Santa Ana, CA 92701. At the hearing the Court will (a) determine whether to grant final approval to this Settlement Agreement; (b) consider any timely objections to this Settlement and the responses to such objections; (c) rule on any application for attorneys' fees and costs; (d) rule on any application for service awards; and (e) determine whether or not to adopt the Plans of Distribution. At the Final Approval Hearing, the Class Representatives, acting through Interim Settlement Class Counsel, will ask the Court to give final approval to this Settlement Agreement.

The date and time of this hearing may change without further notice, and/or the Court could order that this hearing be held remotely or telephonically. Check [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com) for updates.

**22. Do I have to come to the Final Approval Hearing?**

No. Interim Settlement Class Counsel will answer any questions the Court may have, but you are welcome to come at your own expense. If you submit an objection, you do not have to come to Court to talk about it. As long as you filed your written objection with the Court and served it on the parties by **August 21, 2023**, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it's not necessary.

**GETTING MORE INFORMATION**

**23. How can I get more information?**

This Notice summarizes the Settlement. You can get more details and print the Settlement Agreement at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). You may also write with questions or notify the Settlement Administrator regarding address changes to Orange County Oil Spill Shipping Defendant Settlement c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, email at [shippingdefendantinfo@ocoilspillsettlement.com](mailto:shippingdefendantinfo@ocoilspillsettlement.com) or call 1-844-717-0591.

**PLEASE DO NOT CONTACT THE COURT**

**BY ORDER OF THE COURT  
HON. DAVID S. CARTER  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Questions? Please call 1-844-717-0591 or visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com)

# **EXHIBIT K**

## **If you owned or worked at a waterfront business affected by the October 2021 Orange County Oil Spill, you may be eligible to receive a payment in a class action settlement**

If you believe you are affected but did not receive a notice by mail/email, call 1-844-717-0591 or go to [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com) to see if you qualify

*A Federal Court authorized this Notice. You are not being sued.  
This is not a solicitation from a lawyer.*

**A proposed Settlement has been reached with shipping companies in a class action lawsuit involving the October 2021 oil spill off the coast of Orange County near Huntington Beach (the “Oil Spill”).**

**This Notice explains your rights and options and the deadlines to exercise them.**

### **What is this about?**

- Plaintiffs brought claims on behalf of commercial fishers and processors, coastal real property owners and lessees, and waterfront tourism businesses harmed by the Oil Spill (“Class Members”) alleging that certain “Shipping Defendants” who own or operate two container ships have responsibility for the Oil Spill because those ships each dragged their anchors over the pipeline during a heavy storm event prior to the spill, damaging the pipeline and ultimately causing it to leak. The Shipping Defendants are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*. The Shipping Defendants deny those allegations.
- This Settlement was reached to resolve Class Members’ claims against the Shipping Defendants in the lawsuit titled *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). This Settlement would also resolve claims by Class Members in the related lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, Case Nos. 2:22-cv-02153-DOC-JDE and 2:22-mc-00213-DOC (C.D. Cal.) (collectively “Limitation Action”). Both actions are pending in the Central District of California before Judge David O. Carter.
- This Settlement does not address claims against the pipeline owners and operators Amplify Energy Corp., Beta Operating Company, LLC and San Pedro Bay Pipeline Company’s (collectively “Amplify”). Class Members reached a separate \$50 million settlement with Amplify that is being finalized after being approved by the same Court. A separate notice was issued regarding that settlement, and for those eligible for compensation under it, separate payments will be made. The capitalized word “Settlement” in this notice refers to the Settlement reached between Plaintiffs and the Shipping Defendants.

### **What does this Settlement provide?**

- Under the Settlement, the Shipping Defendants will pay \$45 million to create settlement funds for different classes affected by the Oil Spill. Of that money, \$6.3 million will be used for the Waterfront Tourism Class Settlement Fund. If the Settlement is approved by the Court and becomes final, the funds will be used to pay eligible Class Members based on an allocation plan approved by the Court. The funds also will also be used to pay attorney fees and costs, notice and settlement administration costs, service awards to Class Representatives, and any other fees and costs approved by the Court.
- Payments will be made to Waterfront Tourism Class Members automatically by mailed check. Waterfront Tourism Class Members do not need to do anything to receive a payment.

**Who is affected?**

- You are a Waterfront Tourism Class Member if you are a person or entity in operation between October 2, 2021, and December 31, 2021, who: (a) owned or worked on a sea vessel engaged in the business of ocean water tourism (including sport fishing, sea life observation, and leisure cruising) and accessed the water between the San Gabriel River and San Juan Creek in Dana Point; or (b) owned businesses that offered surfing, paddle boarding, recreational fishing, and/or other beach or ocean equipment rentals and/or lessons or activities; sold food or beverages; sold fishing bait or equipment, swimwear or surfing apparel, and/or other retail goods; or provided visitor accommodations south of the San Gabriel River, north of the San Juan Creek, and west of: (1) Highway 1 in Seal Beach; (2) Orange Avenue and Pacific View Avenue in Huntington Beach; and (3) Highway 1 south of Huntington Beach.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be distributed to qualifying Class Members only if the Court approves the Settlement and after potential appeals are resolved.

**PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS ARE AFFECTED IF YOU ARE A MEMBER OF THE WATERFRONT TOURISM CLASS.**

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>		
<b><u>Options:</u></b>	<b><u>Details:</u></b>	<b><u>Deadlines:</u></b>
<b>RECEIVE A PAYMENT</b>	<ul style="list-style-type: none"> <li>If you are a Waterfront Tourism Class Member, you do not need to do anything to receive a payment.</li> <li>If the Court approves the Settlement, checks will be mailed to Waterfront Tourism Class Members who do not opt out.</li> <li>You will give up your right to sue the Shipping Defendants for damages caused by this Oil Spill, and release any claims you may have filed in the related lawsuits brought by some of the Shipping Defendants to limit their liability, titled <i>In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice</i>, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) and 2:22-mc-00213-DOC (C.D. Cal.) (collectively “Limitation Action”).</li> </ul>	N/A
<b>EXCLUDE YOURSELF (“OPT OUT”)</b>	<ul style="list-style-type: none"> <li>Receive no payment from the Settlement.</li> <li>Keep any rights to sue the Shipping Defendants that you already have.</li> <li>You cannot object to the Settlement.</li> </ul>	Postmark request to exclude yourself on or before <b>August 21, 2023</b>
<b>OBJECT</b>	<ul style="list-style-type: none"> <li>Tell the Court you do not like something about the Settlement.</li> <li>You will still remain a Class Member, meaning you will still receive a payment, and you will still give up your right to sue the Shipping Defendants for the claims resolved by this Settlement, and release any claims you may have filed in the related Limitation Action.</li> </ul>	File your objection with the Court and serve it on the parties on or before <b>August 21, 2023</b>

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**BASIC INFORMATION**

**1. Why was this Notice issued?**

A proposed Settlement has been reached in the class action lawsuit involving the October 2021 oil spill off the coast of Orange County near Huntington Beach (the “Oil Spill”). A Federal Court authorized this Notice because you have a right to know about the proposed Settlement between the Waterfront Tourism Class and the Shipping Defendants and about your rights and options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the proposed Settlement, your legal rights, and the hearing (“Final Approval Hearing”) to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlement.

The case is called *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.). The persons who have filed the class action and serve as Waterfront Tourism Class Representatives are Banzai Surf Company, LLC, Beyond Business Incorporated, d/b/a Big Fish Bait & Tackle, Bongos Sportfishing LLC and Bongos III Sportfishing LLC, Davey’s Locker Sportfishing, Inc., East Meets West Excursions, Tyler Wayman, Donald C. Brockman, and Heidi M. Jacques. Additional Plaintiffs serve as Class Representatives to represent the Property and Fisher Classes. The Shipping Defendants in the lawsuit are Capetanissa Maritime Corporation, Costamare Shipping Co., S.A., V.Ships Greece Ltd., the *M/V Beijing*, Dordellas Finance Corp., MSC Mediterranean Shipping Co. SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd., and the *MSC Danit*.

**2. What is this case about?**

On October 1, 2021, an underground pipeline known as Amplify’s P00547 Pipeline ruptured, resulting in the Oil Spill off the coast of Orange County near Huntington Beach. Plaintiffs allege that two container ships, the *M/V Beijing* and the *MSC Danit*, crossed over the pipeline during a heavy storm and that contact between their anchors and the pipeline caused the Oil Spill. The Shipping Defendants deny those allegations and assert that the Oil Spill was caused by the allegedly negligent conduct of Amplify, the pipeline’s owners and operators.

**3. Why is this a class action?**

In a class action, one or more people called class representatives sue on behalf of people who have similar claims. All these people can be a class or class members (if a judge approves). Bringing a case as a class action allows adjudication of many similar claims that might be economically too small to bring in individual actions. One court resolves the issues for all class members, except for those who exclude themselves (opt out) from the class.

**4. Why is there a Settlement?**

The Court has not decided whether Plaintiffs or the Shipping Defendants are right. Instead, each party agreed to the Settlement to avoid the uncertainties and expenses associated with continuing the litigation. The Class Representatives and their attorneys think the Settlement is best for the Classes.

**THIS NOTICE IS NOT INTENDED TO BE AN EXPRESSION OF ANY OPINION BY THE COURT WITH RESPECT TO THE TRUTH OF THE ALLEGATIONS IN THE LAWSUIT OR THE MERITS OF THE CLAIMS OR DEFENSES ASSERTED. THIS NOTICE IS SOLELY TO ADVISE YOU OF THE PROPOSED SETTLEMENT AND YOUR RIGHTS IN CONNECTION WITH THAT SETTLEMENT.**

**5. I received a notice before about a settlement for this Oil Spill. Is this the same thing?**

No, the prior notice related to a different settlement with different defendants related to the same Oil Spill. This Settlement is with the Shipping Defendants that Plaintiffs allege caused the Oil Spill by dragging their anchors and striking or otherwise making contact with the pipeline during a heavy storm event in January 2021. The prior

settlement was with the pipeline owners and operators (Amplify). The two settlements are separate, although both involve the same class members. If the Court approves this Settlement, checks will be mailed to Waterfront Tourism Class Members from funds paid by the Shipping Defendants. The same Court recently approved the settlement with Amplify, and separate payments will be made to those eligible from funds paid by Amplify.

To learn more about the two settlements, visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

## **WHO'S INCLUDED IN THE SETTLEMENT?**

### **6. How do I know if I am in the Class?**

The Waterfront Tourism Class includes persons or entities in operation between October 2, 2021, and December 31, 2021, who: (a) owned or worked on a sea vessel engaged in the business of ocean water tourism (including sport fishing, sea life observation, and leisure cruising) and accessed the water between the San Gabriel River and San Juan Creek in Dana Point; or (b) owned businesses that offered surfing, paddle boarding, recreational fishing, and/or other beach or ocean equipment rentals and/or lessons or activities; sold food or beverages; sold fishing bait or equipment, swimwear or surfing apparel, and/or other retail goods; or provided visitor accommodations south of the San Gabriel River, north of the San Juan Creek, and west of: (1) Highway 1 in Seal Beach; (2) Orange Avenue and Pacific View Avenue in Huntington Beach; and (3) Highway 1 south of Huntington Beach.

Excluded from the Waterfront Tourism Class are:

- the Shipping Defendants, any entity or division in which the Shipping Defendants have a controlling interest, and their legal representatives, officers, directors, employees, assigns and successors;
- the judge to whom this case is assigned, the judge's staff, and any member of the judge's immediate family;
- all employees of the law firms representing Plaintiffs and the Class Members; and
- all who exclude themselves (opt out) from the Class.

## **THE SETTLEMENT BENEFITS**

### **7. What does the Settlement provide?**

The Waterfront Tourism Class Settlement, if approved, will result in the creation of a cash settlement fund of \$6.3 million (the "Waterfront Tourism Class Settlement Amount"). The Waterfront Tourism Class Settlement Amount, together with any interest earned thereon, is the "Waterfront Tourism Class Common Fund."

The Waterfront Tourism Class Common Fund will be used to pay eligible Class Members, attorney fees and costs as awarded by the Court ("Fees and Costs Award"), all costs associated with notice and settlement administration, any service awards to be paid to Class Representatives as approved by the Court, and any other fees and costs approved by the Court. If you are entitled to relief under the Waterfront Tourism Class Settlement, the Settlement Administrator will determine the amount payable to you based on the Court-approved Plan of Distribution.

### **8. How will the lawyers be paid?**

Class Counsel will apply to the Court for fees of up to 25% of the Settlement for the Waterfront Tourism Class (up to \$1.575 million) plus a proportional amount of expenses. Class Counsel will also ask the Court to award up to \$7,500 to each of the Waterfront Tourism Class Representatives as a service award, in recognition of their time and effort spent on behalf of the Waterfront Tourism Class in achieving this Settlement. Any amount awarded to Class Counsel or the Waterfront Tourism Class Representatives related to the Waterfront Tourism Class Settlement will be paid out of the Waterfront Tourism Class Common Fund.

The Court may award less than the amount requested by Class Counsel. Class Counsel will file their motion for attorneys' fees and expenses no later than July 31, 2023. A copy of the motion will be available at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com).

### **HOW TO GET BENEFITS**

#### **9. How much money will I personally receive?**

Class Counsel will submit the proposed Plan of Distribution to the Court within 10 days of the Court preliminarily approving the Settlement. Class Counsel will post the proposed Plan of Distribution at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). If the Settlement is approved and becomes final, the Court-appointed Settlement Administrator, a neutral third party, will calculate individual settlement payments based on the Court-approved Plan of Distribution, and payments will be made to eligible Class Members accordingly. Exact payment amounts will not be known until after the Court grants final approval to the Settlement.

Payments from this Settlement will be separate from payments that will be issued under the settlement with the pipeline companies (Amplify) related to this Oil Spill.

#### **10. How can I get a payment?**

If the Settlement is approved by the Court, members of the Waterfront Tourism Class will be sent checks automatically and will not have to file claims to receive settlement payments.

#### **11. Am I definitely going to get money from this Settlement?**

No. There will be no payments if the Settlement is not approved by the Court or if approval is reversed on appeal. If the Settlement is approved, you will receive a payment only if you are a Class Member and do not opt out.

### **THE LAWYERS REPRESENTING YOU**

#### **12. Do I have a lawyer in this case?**

The Court has appointed three law firms—Lief Cabraser Heimann Bernstein LLP; Aitken, Aitken, Cohn; and Larson, LLP (“Interim Settlement Class Counsel”)—to be the attorneys representing the Fisher, Property, and Waterfront Tourism Classes. Interim Settlement Class Counsel believe that the Settlement Agreement is fair, reasonable, and in the best interests of the Classes. If you want to be represented by your own lawyer, you may hire one at your own expense. If you wish to contact your Court-appointed lawyers, their contact information is below:

Lexi J. Hazam  
LIEFF CABRASER  
HEIMANN BERNSTEIN LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
(415) 956-1000

Stephen Larson  
LARSON LLP  
555 Flower St. #4400  
Los Angeles, CA 90071  
(213) 436-4888

Wylie A. Aitken  
AITKEN, AITKEN, COHN  
3 MacArthur Pl. Suite 800  
Santa Ana, CA 92707  
(714) 434-1424

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

#### **13. Can I exclude myself from the Settlement?**

Yes. If you want to keep your right to sue or continue to sue the Shipping Defendants on your own and at your own expense about the claims released in this Settlement, then you must take steps to exclude yourself—sometimes referred to as “opting out” of the Settlement.

**14. How do I exclude myself from the Settlement?**

To exclude yourself (or “opt out”) from the Settlement, you must mail a request for exclusion postmarked no later than **August 21, 2023**, to the Settlement Administrator at the following address:

Orange County Oil Spill Shipping Defendant Settlement  
c/o JND Legal Administration  
P.O. Box 91048  
Seattle, WA 98111-9350

Your exclusion request must include:

- Your full legal name, valid mailing address, and functioning telephone number;
- A statement that you have reviewed and understood the Class Notice and choose to be excluded from the Settlement;
- The name of and contact information for your attorney, if represented by an attorney; and
- Your handwritten signature.

If you ask to be excluded from the Settlement, you will not get a payment, and you cannot object to the Settlement. You will not be legally bound by the Settlement, and you may be able to sue (or continue to sue) the Shipping Defendants and the other Released Parties about the claims in this lawsuit.

If you don’t include the required information or timely submit your request for exclusion, you will remain a Class Member and will not be able to sue the Shipping Defendants or the other Released Parties about the claims in this lawsuit.

**15. If I don’t exclude myself, can I sue the Shipping Defendants for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Shipping Defendants for the claims that this Settlement resolves. If you have a pending lawsuit or claim, speak to your lawyer immediately. You must exclude yourself from this Settlement to continue your own lawsuit or claim. If you properly exclude yourself from the Settlement, you will not be bound by any orders or judgments entered relating to the Settlement.

**16. If I exclude myself, can I still get a Settlement payment?**

No. You will not get any money from the Settlement if you exclude yourself.

**OBJECTING TO THE SETTLEMENT**

**17. How do I object to the Settlement?**

If you are a Class Member, you can object to the Settlement with the Shipping Defendants in writing if you do not like a part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file a written objection stating that you object to the Settlement in *Gutierrez, et al. v. Amplify Energy Corp., et al.*, Case No. SA 21-CV-1628-DOC-JDE (C.D. Cal.).

Your written objection must include:

- Your name, address, and telephone number;
- Proof of class membership including documents such as fish landing records;
- A statement indicating whether the objection is to the proposed Settlement, the Plan of Distribution, or the application for attorneys’ fees and costs;

- A statement of the factual and legal reasons for your objection;
- A list identifying all class action settlements to which you have previously objected, including the name, date, and court of those cases;
- The name and contact information of any and all lawyers representing, advising, or in any way assisting you in connection with your objection;
- Copies of all documents that you wish to submit in support of your position; and
- Your signature.

Your objection must be filed with the Court and mailed or delivered to Interim Settlement Class Counsel and the Shipping Defendants' Counsel listed below by certified mail postmarked no later than **August 21, 2023**.

You can file objections with the Court either electronically at <https://ecf.cacd.uscourts.gov> or by mail at:

Clerk of the Court  
United States District Court for the Central District of California  
Ronald Reagan Federal Building and United States Courthouse  
411 West Fourth Street  
Courtroom 10 A  
Santa Ana, California 92701-4516

Objections should be sent by certified mailed or delivered to the following addresses for the parties' counsel (see next page):

Interim Settlement Class Counsel	Counsel for the Beijing Defendants		
<p>Lexi J. Hazam LIEFF CABRASER HEIMANN BERNSTEIN LLP 275 Battery Street, 29th Floor San Francisco, CA 94111-3339 (415) 956-1000</p> <p>Wylie A. Aitken AITKEN, AITKEN, COHN 3 MacArthur Pl. Suite 800 Santa Ana, CA 92707 (714) 434-1424</p> <p>Stephen Larson LARSON LLP 555 Flower St. #4400 Los Angeles, CA 90071 (213) 436-4888</p>	<p>Kevin J. Orsini CRAVATH, SWAINE &amp; MOORE LLP Worldwide Plaza 825 Eighth Avenue New York, NY 10019 (212) 474-1000</p> <p>Albert E. Peacock III PEACOCK PIPER TONG + VOSS LLP 100 West Broadway Suite 610 Long Beach, CA 90802 (562) 320-8880</p> <tr> <th data-bbox="837 688 1507 741">Counsel for the Dordellas Defendants</th> </tr> <tr> <td data-bbox="837 741 1507 1176"> <p>Jonathan W. Hughes ARNOLD &amp; PORTER KAYE SCHOLER LLP Three Embarcadero Center, Tenth Floor San Francisco, CA 94111 (415) 471-3156</p> <p>Joseph A. Walsh II COLLIER WALSH NAKAZAWA LLP One World Trade Center, Suite 2370 Long Beach, CA 90831 (562) 317-3300</p> </td> </tr>	Counsel for the Dordellas Defendants	<p>Jonathan W. Hughes ARNOLD &amp; PORTER KAYE SCHOLER LLP Three Embarcadero Center, Tenth Floor San Francisco, CA 94111 (415) 471-3156</p> <p>Joseph A. Walsh II COLLIER WALSH NAKAZAWA LLP One World Trade Center, Suite 2370 Long Beach, CA 90831 (562) 317-3300</p>
Counsel for the Dordellas Defendants			
<p>Jonathan W. Hughes ARNOLD &amp; PORTER KAYE SCHOLER LLP Three Embarcadero Center, Tenth Floor San Francisco, CA 94111 (415) 471-3156</p> <p>Joseph A. Walsh II COLLIER WALSH NAKAZAWA LLP One World Trade Center, Suite 2370 Long Beach, CA 90831 (562) 317-3300</p>			

**18. What is the difference between objecting and excluding myself (opting out)?**

Objecting is telling the Court that you don't like something about the Settlement with the Shipping Defendants. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself, or opting out, from the Settlement is telling the Court that you don't want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object to the Settlement because it no longer affects you.

**OBLIGATIONS AND RELEASED CLAIMS**

**19. What are my rights and obligations under the Settlement?**

If you are a Waterfront Tourism Class Member and you do not exclude yourself from the Settlement with the Shipping Defendants, and the Court approves the Settlement, you will automatically receive a Settlement payment. Unless you exclude yourself (opt out), you will be bound by the terms of the Settlement upon final approval by the Court, and release any rights you have to sue the Shipping Defendants about the claims in this lawsuit. You will also release any claims you may have filed in the related "Limitation Action" lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.).



**20. What claims will be released by the Settlement?**

If the Settlement with the Shipping Defendants is approved by the Court, all Class Members will be bound by the Settlement and will be deemed to have, fully, finally, and forever released the Shipping Defendants and other Released Parties from any and all claims for any losses of any kind or nature whatsoever, whether known or unknown, arising out of or relating to the Oil Spill. You will also release any claims you may have filed in the related “Limitation Action” lawsuits brought by some of the Shipping Defendants to limit their liability, titled *In the Matter of the Complaint of Dordellas Finance Corp. Owner and MSC Mediterranean Shipping Company S.A., Owner pro hac vice*, No. 2:22-cv-02153-DOC-JDE (C.D. Cal.) and 2:22-mc-00213-DOC (C.D. Cal.). The specific claims you are giving up against the Shipping Defendants are described in the Settlement Agreement at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can talk to your own lawyer at your own expense.

**FINAL APPROVAL HEARING**

**21. May I attend the Final Approval Hearing?**

Yes. The Court will hold a Final Approval Hearing on **September 14, 2023**, at a time to be determined, at the United States District Court for the Central District of California, Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Courtroom 10 A, Santa Ana, California 92701. At the hearing the Court will (a) determine whether to grant final approval to this Settlement Agreement; (b) consider any timely objections to this Settlement and the responses to such objections; (c) rule on any application for attorneys’ fees and costs; (d) rule on any application for service awards; and (e) determine whether or not to adopt the Plans of Distribution. At the Final Approval Hearing, the Class Representatives, acting through Interim Settlement Class Counsel, will ask the Court to give final approval to this Settlement Agreement.

The date and time of this hearing may change without further notice, and/or the Court could order that this hearing be held remotely or telephonically. Check [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com) for updates.

**22. Do I have to come to the Final Approval Hearing?**

No. Interim Settlement Class Counsel will answer any questions the Court may have, but you are welcome to come at your own expense. If you submit an objection, you do not have to come to Court to talk about it. As long as you filed your written objection with the Court and served it on the parties by **August 21, 2023**, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it’s not necessary.

**GETTING MORE INFORMATION**

**23. How can I get more information?**

This Notice summarizes the Settlement. You can get more details and print the Settlement Agreement at [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com). You may also write with questions or notify the Settlement Administrator regarding address changes to Orange County Oil Spill Shipping Defendant Settlement c/o JND Legal Administration, P.O. Box 91048, Seattle, WA 98111, email at [shippingdefendantinfo@ocoilspillsettlement.com](mailto:shippingdefendantinfo@ocoilspillsettlement.com) or call 1-844-717-0591.

**PLEASE DO NOT CONTACT THE COURT**

**BY ORDER OF THE COURT  
HON. DAVID S. CARTER  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Questions? Please call 1-844-717-0591 or visit [www.OCOilSpillSettlement.com](http://www.OCOilSpillSettlement.com)