

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 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.

YOUR LEGAL RIGHTS AND OPTIONS		
<u>Options:</u>	<u>Details:</u>	<u>Deadlines:</u>
RECEIVE A PAYMENT	<ul style="list-style-type: none"> If you are a Waterfront Tourism Class Member, you do not need to do anything to receive a payment. If the Court approves the Settlement, checks will be mailed to Waterfront Tourism Class Members who do not opt out. 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”). 	N/A
EXCLUDE YOURSELF (“OPT OUT”)	<ul style="list-style-type: none"> Receive no payment from the Settlement. Keep any rights to sue the Shipping Defendants that you already have. You cannot object to the Settlement. 	Postmark request to exclude yourself on or before August 21, 2023
OBJECT	<ul style="list-style-type: none"> Tell the Court you do not like something 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. 	File your objection with the Court and serve it on the parties on or before August 21, 2023

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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.

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.

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. 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 data-bbox="142 184 808 363">Lexi J. Hazam LIEFF CABRASER HEIMANN BERNSTEIN LLP 275 Battery Street, 29th Floor San Francisco, CA 94111-3339 (415) 956-1000</p> <p data-bbox="297 405 654 583">Wylie A. Aitken AITKEN, AITKEN, COHN 3 MacArthur Pl. Suite 800 Santa Ana, CA 92707 (714) 434-1424</p> <p data-bbox="321 625 630 804">Stephen Larson LARSON LLP 555 Flower St. #4400 Los Angeles, CA 90071 (213) 436-4888</p>	<p data-bbox="906 184 1425 405">Kevin J. Orsini CRAVATH, SWAINE & MOORE LLP Worldwide Plaza 825 Eighth Avenue New York, NY 10019 (212) 474-1000</p> <p data-bbox="906 447 1425 625">Albert E. Peacock III PEACOCK PIPER TONG + VOSS LLP 100 West Broadway Suite 610 Long Beach, CA 90802 (562) 320-8880</p>
	Counsel for the Dordellas Defendants
	<p data-bbox="865 762 1482 940">Jonathan W. Hughes ARNOLD & PORTER KAYE SCHOLER LLP Three Embarcadero Center, Tenth Floor San Francisco, CA 94111 (415) 471-3156</p> <p data-bbox="914 982 1433 1161">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. 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 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. 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 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