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14 *Lead Trial Counsel*
15 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

19 KEITH ANDREWS, an individual, et
20 al.,

21 Plaintiffs,

22 v.

23 PLAINS ALL AMERICAN
24 PIPELINE, L.P., a Delaware limited
25 partnership, et al.,

26 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF ROBERT J.
NELSON IN SUPPORT OF MOTIONS
FOR FINAL SETTLEMENT
APPROVAL, PLANS OF
DISTRIBUTION, AND ATTORNEYS'
FEES AND COSTS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Robert J. Nelson, declare:

2 1. I am a partner in the law firm of Lief, Cabraser, Heimann &
3 Bernstein, LLP (“LCHB”), and serve as Court appointed Class Counsel for the
4 Plaintiffs in this action. I have personal knowledge of the facts set forth in this
5 Declaration based on my day-to-day participation in the prosecution and settlement
6 of this case, and, if called as a witness, could and would testify competently to
7 them.

8 2. I submit this declaration in support of Plaintiffs’ motions for final
9 approval of the proposed Settlement and for approval of the Plans of Distribution,
10 as well as Class Counsel’s motion for an award of attorneys’ fees, expenses, and
11 class representative service awards.

12 **A. Settlement Approval**

13 3. Since being appointed Class Counsel in 2015 (Dkts. 257, 454, 577),
14 my co-counsel and I have personally supervised and directed every aspect of the
15 prosecution and resolution of this litigation on behalf of the Plaintiffs and Classes.

16 4. The parties reached a settlement in principle in April 2022, and
17 finalized the Settlement Agreement in mid-May 2022. Dkt. 944-1, Ex. 1. The
18 Settlement was reached almost exactly seven years after the oil spill on May 19,
19 2015. Trial of this matter was scheduled for June 2, 2022.

20 5. The parties and their counsel participated in three formal full-day
21 mediations over the course of three years with Judge Daniel Weinstein (Ret.) and
22 Robert Meyer of JAMS, in addition to informal negotiations and innumerable
23 telephone conferences over this same time. The first two mediations were in the fall
24 of 2019 and the fall of 2020, respectively. The third mediation took place on March
25 22, 2022, after which the parties still had not reached agreement. On April 13,
26 2022, the mediators submitted a so-called mediator’s proposal that both parties
27 ultimately accepted. At all times, the parties separately negotiated settlement
28 amounts for the Property Class and the Fisher Class. After reaching an agreement in

1 principle, the parties worked diligently to draft the Settlement Agreement, notices,
2 and other settlement exhibits, and to select the proposed Settlement Administrator.
3 Following preliminary approval, Plaintiffs worked with the Administrator to
4 execute the notice plan, and prepared the Plans of Distribution and associated
5 claims documents, including the claim forms.

6 6. In my judgment, the prosecution of this case was fully mature at the
7 time the case settled. The Parties had exhaustively discovered the case, extensively
8 briefed merits and class certification, exchanged exhibit lists, witness lists, and jury
9 instructions, and received rulings on numerous motions *in limine*. As a result, Class
10 Counsel are certainly able to judge the strengths and weaknesses of the case.

11 7. It is my judgment and the judgment of all Class Counsel that the
12 proposed Settlement is outstanding, readily meets the Rule 23 “fair, reasonable, and
13 adequate” standard, and is in the best interests of the Classes. Further, the Plans of
14 Distribution represent a fair and equitable allocation of the settlement proceeds
15 grounded in the very classwide damages models Plaintiffs’ experts developed over
16 the course of many years and that Class Counsel were prepared to present at trial.

17 **B. Class Counsel’s Litigation Efforts**

18 8. Class Counsel have previously submitted materials describing their
19 qualifications and experience in complex class action litigation and settlement.
20 Dkt. 33.

21 9. To Class Counsel’s knowledge, at the time this action was filed, there
22 had not previously been a property tort litigation class certified under California
23 law. Nor, to our knowledge, had there been a fisher lost profits litigation class
24 certified in California. As a result, Class Counsel recognized this was a risky case
25 to take on a contingency basis, and that both class certification and merits
26 arguments would turn on highly technical and expert-driven factual disputes and
27 cutting-edge interpretations of class action and California tort law.
28

1 10. At the outset, given the breadth of the oil spill and potential claims,
2 Class Counsel worked to prepare a detailed, almost 70-page consolidated complaint
3 on behalf of 25 named plaintiffs. Dkt. 88. The operative complaint brought claims
4 not only on behalf of the Property and Fisher Classes covered by the Settlement,
5 but also an Oil Industry and Tourism class. The Oil Industry class was certified by
6 this Court but reversed by the Ninth Circuit. The Tourism class was never certified.
7 This also highlights some of the risks inherent in the case.

8 11. Discovery was extensive, and was successful due to Class Counsel's
9 meet and confer efforts, closely negotiated stipulations and informal agreements,
10 and motions to compel (*e.g.*, Dkt. 483). Class Counsel issued two sets of
11 interrogatories, a set of requests for admissions, and four sets of requests for
12 production. Ultimately, the case involved the production of over 360,000
13 documents by the Parties and third parties, totaling over 1.5 million pages,
14 including numerous highly technical documents and data sets relating to pipeline
15 integrity, spill volume, and fish landings. Class Counsel was also charged with
16 comprehensively reviewing and understanding Plains' documents. Given the
17 technical subject matter, this required substantial time by document review lawyers,
18 additional review and analysis by the lawyers using the documents in depositions
19 and briefing, and extensive consultation with experts and consultants.

20 12. Class Counsel also reviewed Defendants' voluminous privilege logs,
21 which together totaled approximately 25,000 withheld and redacted entries, and
22 which warranted a motion to compel.

23 13. Among the document productions were over 7,000 documents (36,000
24 pages) produced by Plaintiffs, including financially sensitive documents that
25 required careful pre-production review by Class Counsel. In Class Counsel's
26 collective experience, this is a relatively large production by named plaintiffs in a
27 class action case, although not unexpected given that a number of the Class
28 Representatives were small businesses. In addition, Plaintiffs, through Class

1 Counsel, responded to two sets of interrogatories, including serving supplemental
2 responses for many of them.

3 14. The case also involved numerous fact depositions. Each of the 17
4 Property and Fisher Class Representatives sat for depositions prior to class
5 certification. In addition, Class Counsel deposed 28 current and former Plains'
6 employees. Class Counsel also deposed third parties, including an employee of
7 Plains' in-line inspection vendor and an author of the technical root cause analysis
8 included with the government's investigation report. Given the highly technical
9 topics at issue, including oil transport and fate, pipeline integrity, spill volume, and
10 control room operations, these depositions took substantial preparation and expert
11 consultation.

12 15. The case required extensive expert discovery, as Class Counsel had to
13 support class certification and merits arguments for two distinct classes. The parties
14 disclosed a total of 27 subject matter experts across highly technical concepts,
15 including integrity management, spill volume, control room operations, oil
16 transport and oil fate, marine biology, lost fish catch regression analyses, fisher
17 industry accounting and lost profits, real estate appraisal and mass appraisal
18 techniques, and lost rental value damages.

19 16. Together, these experts produced and served approximately 52 reports,
20 inclusive of declarations submitted in connection with key motions, such as class
21 certification and summary judgment. Most of these reports were lengthy and
22 technically dense out of necessity. To give some examples, Plaintiffs' liability
23 expert Dr. Kim Cameron submitted a 100-page report and a 40-page rebuttal report,
24 and reviewed and relied upon thousands of documents to arrive at the opinions
25 expressed therein. Dr. Igor Mezic's oil fate and transport reports were accompanied
26 by detailed computer modeling of the oil spill over the course of many months. Dr.
27 Peter Rupert's fisher injury and damages report was backed up by a complex
28 difference-in-differences regression model to calculate the lost catch due to the

1 spill. Dr. Lee Norris’s spill volume report required preparation of highly specialized
2 pipeline modeling simulation runs. Class Counsel, working with Plaintiffs’ experts,
3 were also charged with evaluating and rebutting Plains’ experts’ equally complex
4 reports.

5 17. Each of these 27 experts was deposed at least once and many were
6 deposed multiple times, including four depositions for Plaintiffs’ oil transport
7 expert Dr. Igor Mezić; three depositions for Plaintiffs’ mass appraisal expert Dr.
8 Randall Bell and defense expert Paul Boehm; and two depositions for Plaintiffs’
9 expert Dr. Keller and defense experts Tucker, Perham, Sider, Dent, Fichera, and
10 Bryant. Plains also filed well over a dozen motions to strike Plaintiffs’ expert
11 opinions during the course of this litigation.

12 18. Altogether, there were 46 expert depositions – a large number even for
13 firms like ours that regularly handle the largest and most complex corporate
14 misconduct cases in the country. Counting both fact and expert discovery, the
15 parties took over 100 depositions in this matter.

16 19. Class Counsel also analyzed Defendants’ Oil Pollution Act (“OPA”)
17 claims process, gaining insight into the OPA payments and any potential
18 relationship to the class claims, as well as the process employed by Defendants and
19 their contractors in adjudicating these claims.

20 20. The Motion for Final Approval outlines the numerous case-dispositive
21 motions that Class Counsel successfully handled in this case, including motions for
22 class certification and decertification, Rule 23(f) petitions, summary judgment
23 motions, and the trial plan. As is evident from the public docket, each of these
24 motions implicated numerous novel and complex legal issues and factual disputes.
25 Succeeding on each of these motions required intensive effort by Class Counsel in
26 legal research, factual development, and expert support.

27 21. This case was originally set to go to trial in September of 2020. By that
28 time, the parties had prepared the case for trial, exchanging witness lists, a joint

1 exhibit list with 4,705 entries, jury instructions, deposition designations and
2 counter-designations, and contentions of law and fact. The parties also fully briefed
3 16 motions in limine and, as noted above, submitted multiple briefs regarding the
4 trial plan.

5 22. The novelty, complexity, and sheer scale of the litigation –
6 summarized in broad terms above and epitomized by the disclosure of 27 highly
7 technical experts – required sustained and focused efforts by the Class Counsel law
8 firms, and required the involvement of experienced partners familiar with the
9 intricacies and pitfalls of class certification, expert discovery, and trial strategy.

10 23. The Class Counsel firms sought to coordinate their efforts to try to
11 ensure the case was prosecuted efficiently. The key lawyers at each firm
12 participated in regular teleconferences – on a weekly basis for the better part of
13 seven years – to ensure all tasks were assigned out to a given firm. This was
14 exemplified by fact depositions and expert discovery. Deposition witnesses were
15 assigned to each firm, and we further attempted to organize those assignments by
16 topical area (for example, oil fate, spill response, or control room operations). Each
17 of the Plaintiffs’ experts was also assigned to a single firm, which then took
18 primary responsibility for overseeing that expert’s work product and depositions.
19 The firm assigned to an expert also typically led the briefing and argument
20 regarding the challenge and defense of that expert, and took primary responsibility
21 for the corresponding defense experts. At the same time, we endeavored to
22 coordinate all of these efforts to ensure consistency among the many expert
23 opinions. Finally, for very large projects – like the summary judgment motions
24 where Class Counsel marshalled massive responses, and where the motions touched
25 on a broad range of factual issues – the briefs were divided and assigned out to
26 multiple firms, but still under coordination of a single firm that would take ultimate
27 responsibility for the filing.
28

1 **C. Lodestar and Expenses**

2 24. My firm and our fellow Class Counsel litigated this case on a purely
3 contingent basis, foregoing other work in order to handle this complex matter with
4 no guarantee of recovery. While Class Counsel request attorneys’ fees as a
5 percentage of the common fund, for the Court’s reference, I report LCHB’s and
6 Class Counsel’s summary time, lodestar, and costs incurred in this litigation and for
7 the benefit of the settling Classes.

8 25. All LCHB time-keepers are required to contemporaneously record
9 their time in 6-minute increments. Attorneys working under my direction and
10 supervision audited my firm’s time records to confirm their accuracy. This included
11 removing any time exclusively attributed to the Oil Industry and Tourism Classes;
12 time spent on Class Counsel’s motion for fees and costs; hours from timekeepers
13 with fewer than 10 hours in the case; and certain hours as a matter of billing
14 judgment. The figures do not include time incurred after July 22, 2022.

15 26. LCHB allocated work to maximize efficiency. To the extent
16 practicable, senior attorneys did not perform work that could be accomplished by
17 more junior attorneys, and attorneys did not perform work that could be completed
18 by paralegals.

19 27. The hourly rates charged by LCHB fall within the range of market
20 rates charged by attorneys of equivalent experience, skill, and expertise. LCHB’s
21 rates reflect the market rates in the markets within which LCHB’s primary offices
22 are located and from which this matter has been handled—namely, San Francisco.
23 Except in rare circumstances, LCHB does not bill at different rates for different
24 clients or different types of cases.

25 28. Federal and state courts have approved our rates on numerous
26 occasions. *See, e.g., Cottle, et al. v. Plaid Inc.*, No. 4:20-cv-03056-DMR, Dkt. 184
27 at *18-19 (N.D. Cal., July 20, 2022); *In re The Boeing Company Derivative*
28 *Litigation*, No. Consol. C.A. No. 2019-0907-MTZ, at *10 (Del. Ch. Mar. 22, 2022);

1 *Stewart v. Kaiser Foundation Health Plan, Inc. et al.*, CGC-21-590966 (CA Sup. Ct
2 Mar. 10, 2022); *Jenkins, et al. v. National Grid USA Service Company, Inc., et al.*,
3 No. 2:15-cv-01219-JS-ARL, at *9-10 (E.D.N.Y. June 24, 2022); *Pulmonary*
4 *Assocs. of Charleston PLLC, et al. v. Greenway Health, LLC, et al.*, No. 3:19-cv-
5 00167-TCB, at *5-8 (N.D. Ga., Dec. 2, 2021); *In re Intuit Data Litig.*, No. 15-CV-
6 1778-EJD-SVK, 2019 WL 2166236, at *1 (N.D. Cal. May 15, 2019); *In re Anthem,*
7 *Inc. Data Breach Litig.*, No.15-MD-02617-LHK, 2018 WL 3960068, at *17 (N.D.
8 Cal. Aug. 17, 2018).

9 29. Attached as Exhibit 1 is a true and correct summary lodestar chart
10 which lists: (1) the name of each LCHB timekeeper who recorded time in this case;
11 (2) their title or position; (3) the total number of hours they worked on the case
12 through and including July 22, 2022; (4) their current hourly rate; and (5) their
13 lodestar. For attorneys or support staff who no longer work with LCHB, the current
14 hourly rate is the rate for that individual in his or her final year of work with the
15 firm.

16 30. As reflected in Exhibit 1, the total number of hours expended on this
17 matter by Lieff Cabraser through July 22, 2022 is 29,817.70. The total lodestar for
18 my firm for that period is \$15,701,393.

19 31. LCHB spent \$532,766.31 in connection with the investigation,
20 prosecution and settlement of this case. The expenses are presented in summary
21 form in Exhibit 2, which was generated from my firm's books and records. Major
22 cost categories include the document review platform my firm maintained for all
23 Class Counsel, other computer research platforms, printing, travel, phones, and
24 mail. These expenses were reasonably and necessarily incurred in Class Counsel's
25 efforts to prosecute this case. The expenses here are in line with expenses LCHB
26 has incurred in the countless other very large, complex class action lawsuits it has
27 successfully prosecuted over the years, and are the type typically billed by attorneys
28 to clients.

1 32. Based on this information and the information submitted in my co-
2 counsel's declarations, Class Counsel have together invested in this litigation as
3 follows: 85,245.6 hours, \$58,525,944 in lodestar, and \$6,085,336 in costs. I expect
4 each of these numbers will increase through final settlement approval and
5 settlement administration, meaning that any multiplier that Class Counsel receive
6 on their lodestar will continue to decrease over time.

7 33. In addition, Class Counsel pursued the Property and Fisher Classes'
8 claims in restitution proceedings in Santa Barbara Superior Court related to Plains'
9 criminal convictions. Class Counsel were expressly invited to submit claims by the
10 judge then-assigned to criminal restitution issues, as part of the constitutionally
11 mandated victim restitution process. This included preparing detailed declarations
12 from restitution claimants, lengthy briefing and presentations summarizing the
13 Classes' liability and damages claims, and also engaging in a court-directed
14 mediation process. While these efforts have not yet been successful and are
15 currently on appeal, much of the work performed directly benefitted the prosecution
16 of the Classes' claims in this action: it sharpened Class Counsel's trial strategy and
17 settlement evaluation, and advanced the ongoing mediation efforts to resolve this
18 action. LCHB devoted 1,217 hours, \$734,345.50 in lodestar, and \$27,416 in
19 expenses in furtherance of the criminal restitution proceedings, a significant portion
20 of which was spent on behalf of the Property and Fisher Classes. Based on this
21 information and the information submitted in my co-counsel's declarations, Class
22 Counsel have together expended \$3,108,512 in lodestar in the restitution
23 proceedings. However, this restitution-related lodestar is not included in the
24 lodestar multiplier calculation reported to the Court in Class Counsel's fee petition.

25 **D. Class Representative Stipends**

26 34. Plaintiffs seek \$15,000 service awards to each Class Representatives in
27 recognition of their service and efforts in prosecuting the case on behalf of the
28 Class, subject to approval by the Court.

35. The Class Representatives assisted Class Counsel with this litigation from the initial case investigation all the way through Settlement. Their service and efforts in prosecuting the case on behalf of the respective Classes are further described in their declarations, true and correct copies of which are attached to this Declaration as follows:

Exhibit	Class Representative	Class
3	Community Seafood, LLC (Sarah Rathbone)	Fisher
4	Hwa Hong Muh	Fisher
5	Keith Andrews	Fisher
6	Mike Gandall	Fisher
7	Morgan Castagnola	Fisher
8	Ocean Angel IV LLC (David Tibbles)	Fisher
9	Pacific Rim Fisheries, Inc. & Southern Cal Seafood, Inc. (Peter Guglielmo)	Fisher
10	Santa Barbara Uni, Inc. (Arnold Baez)	Fisher
11	Tiffani Andrews	Fisher
12	Wei International Trading, Inc. (Weihei "Danny" Zhuang)	Fisher
13	Alexandra B. Geremia	Property Owner
14	Baciu Family LLC (Ronald MacLeod)	Property Owner
15	Jacques Habra	Property Owner
16	Mark Kirkhart & Mary Kirkhart	Property Owner

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 29, 2022, in San Francisco, California.

/s/ Robert J. Nelson

EXHIBIT 1

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

From: Inception

To: 07/22/2022

Matter Number: 3731-0001 PLAINS OIL - GENERAL MATTER

PARTNER

NAME	HOURS	RATE	TOTAL
ELIZABETH CABRASER	27.80	1,150.00	31,970.00
ROBERT NELSON	2,465.90	1,025.00	2,527,547.50
KEVIN BUDNER	13.50	625.00	8,437.50
NIMISH DESAI	2,603.80	800.00	2,083,040.00
WILSON DUNLAVEY	213.50	510.00	108,885.00
SARAH LONDON	860.50	645.00	555,022.50
ANNIKA MARTIN	27.20	715.00	19,448.00
KRISTEN LAW SAGAFI	22.80	625.00	14,250.00
	<u>6,235.00</u>		<u>5,348,600.50</u>

ASSOCIATE

NAME	HOURS	RATE	TOTAL
WILSON DUNLAVEY	3,913.60	485.00	1,898,096.00
AMELIA HASELKORN	212.70	370.00	78,699.00
MICHAEL LEVIN-GESUNDHEIT	11.90	505.00	6,009.50
ROSEMARIE MALIEKEL	50.80	395.00	20,066.00
JACOB POLIN	781.50	485.00	379,027.50
	<u>4,970.50</u>		<u>2,381,898.00</u>

DOCUMENT REVIEW ATTORNEY

NAME	HOURS	RATE	TOTAL
COLIN MOSER	6,720.00	415.00	2,788,800.00
KATHRYN PERKO	6,320.10	415.00	2,622,841.50
	<u>13,040.10</u>		<u>5,411,641.50</u>

OF COUNSEL

NAME	HOURS	RATE	TOTAL
ROBERT LIEFF	451.90	1,150.00	519,685.00
	<u>451.90</u>		<u>519,685.00</u>

LAW CLERK

NAME	HOURS	RATE	TOTAL
EVAN BALLAN	17.70	345.00	6,106.50
HOPE BRINN	22.40	370.00	8,288.00
PHILIP HERNANDEZ	14.50	360.00	5,220.00
KACEY READ	12.90	370.00	4,773.00
AISHA SAAD	21.00	395.00	8,295.00
	88.50		32,682.50

PARALEGAL/CLERK

NAME	HOURS	RATE	TOTAL
RAMI BATA	36.90	370.00	13,653.00
EILEEN BELTRAN	438.80	375.00	164,550.00
NIKKI BELUSHKO BARROWS	26.00	360.00	9,360.00
MAX BLAISDELL	23.00	355.00	8,165.00
ALEXANDRA BRILLIANT	43.90	405.00	17,779.50
TODD CARNAM	46.60	405.00	18,873.00
FLORENCIA CUDOS	25.10	405.00	10,165.50
KIMBERLY HARDING	194.50	350.00	68,075.00
JULIANA KARP	13.00	385.00	5,005.00
JENNIFER KAWAMURA	10.80	405.00	4,374.00
ELIZABETH KEENLEY	20.90	405.00	8,464.50
CORA LA	260.30	345.00	89,803.50
TRACY LIM	12.00	405.00	4,860.00
MAXWELL LUCAS	48.70	360.00	17,532.00
SAMANTHA MUDD	29.80	395.00	11,771.00
NETHRA RAMAN	944.60	395.00	373,117.00
JENNIFER RUDNICK	32.60	405.00	13,203.00
MADELYNE TRIONE	27.40	395.00	10,823.00
BRIAN TROXEL	24.90	405.00	10,084.50
KATRINA UY	73.60	385.00	28,336.00
AJAY VISHWANATH	56.00	370.00	20,720.00
GREGORY WASKIEWICZ	207.60	360.00	74,736.00
	2,597.00		983,450.50

LITIGATION SUPPORT / RESEARCH

NAME	HOURS	RATE	TOTAL
RICHARD ANTHONY	734.40	420.00	308,448.00
NIKKI BELUSHKO BARROWS	45.60	405.00	18,468.00
MARGIE CALANGIAN	651.50	420.00	273,630.00
KIRTI DUGAR	48.50	510.00	24,735.00
ANTHONY GRANT	583.60	420.00	245,112.00
JESSICA MELTSER	37.60	345.00	12,972.00
MAJOR MUGRAGE	100.40	420.00	42,168.00
RENEE MUKHERJI	21.50	420.00	9,030.00
ANIL NAMBIAR	47.00	420.00	19,740.00
FAWAD RAHIMI	164.60	420.00	69,132.00
	<u>2,434.70</u>		<u>1,023,435.00</u>
MATTER TOTALS	29,817.70		15,701,393.00

EXHIBIT 2

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

Report created on 07/28/2022 02:48:49 PM

From = Inception To 07/22/22

PLAINS OIL SPILL - General Matter

Matter Number: 3731-0001

Soft Costs Incurred

	<u>Amount</u>
Fax	\$99.00
In-House Copies	\$547.60
Postage	\$2,162.35
Print	\$88,367.00
Telephone	\$13,643.90

Total Soft Costs: \$104,819.85

Hard Costs Incurred

	<u>Amount</u>
Books/Subscriptions	\$100.40
Computer Research	\$55,104.48
Deposition/Transcripts	\$282.06
Electronic Database	\$270,349.26
Experts/Consultants	\$420.00
Federal Express/Messenger	\$23,164.92
Filing Fees	\$2,146.59
Other Charges	\$719.63
Other Research	\$308.00
Outside Copy Service	\$1,951.94
Postage	\$15.05
Process Service	\$1,014.56
Supplies	\$358.49
Travel	\$72,011.08

Total Hard Costs: \$427,946.46

Total Matter Costs: \$532,766.31

EXHIBIT 3

1 Robert J. Nelson (CSB No. 132797)
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8 ***Class Counsel***

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12 ***Lead Trial Counsel***
13 *(additional counsel listed at signature)*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

17 KEITH ANDREWS, an individual, et
18 al.,

19 Plaintiffs,

20 v.

21 PLAINS ALL AMERICAN
PIPELINE, L.P., a Delaware limited
22 partnership, et al.,

23 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF SARAH
RATHBONE IN SUPPORT OF
FINAL SETTLEMENT
APPROVAL; PLANS OF
DISTRIBUTION; FEES,
EXPENSES, AND SERVICE
AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Sarah Rathbone, declare as follows:

2 1. I am a named Plaintiff in this action representing the Fisher Class.

3 2. I submit this Declaration in support of Plaintiffs’ motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I am a resident of Goleta, California, and at the time of the 2015
9 Refugio Oil Spill I was the owner and sole member of Community Seafood LLC in
10 Goleta. Community Seafood bought fresh seafood from fishermen in the Santa
11 Barbara area and then sold that seafood to restaurants and other buyers.
12 Community Seafood also seasonally operated a “boat to table” business that sold
13 weekly or bi-weekly deliveries of locally-caught seafood directly to individual
14 customers. We typically bought black cod, ridgeback shrimp, yellowtail, yellowfin,
15 albacore, squid, anchovies, oysters, mussels, and rockfish at the Santa Barbara
16 marina. Community Seafood LLC ceased operation after the 2015 Spill due to the
17 erosion of public trust in the safety and health of the local seafood.

18 4. I voluntarily undertook the burdens and risks associated with this
19 lawsuit to seek compensation—for myself and others like me—for injuries
20 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
21 case entailed, among other things: having my name in a publicly-filed complaint;
22 ongoing engagement with my legal team; participating in discovery, including a
23 possible deposition; participating in a potential trial; and acting at all times in the
24 best interest of the class, including in any mediation or settlement. I believed that
25 without plaintiffs such as myself stepping forward to serve as class representatives,
26 Defendants would not compensate the people and businesses they harmed.

27 5. I have participated actively in this lawsuit since June 24, 2015. In my
28 role as a class representative, I have followed the status and progress of the case

1 and met with counsel in person or communicated with them by phone and e-mail to
2 stay informed, to discuss motion practice, amendments to the complaint, discovery
3 requests and responses, the district court's rulings, and litigation strategy, including
4 during the mediation and settlement negotiations. I will continue to do so during
5 this settlement approval process, as needed.

6 6. Among other tasks, I helped counsel draft the complaint by describing
7 to them my story and relevant facts and events. As part of that process, I reviewed
8 and provided counsel with documents and information, and I reviewed the draft
9 complaint before it was filed and offered my opinion, expertise and corrections on
10 the section relevant to myself and/or Community Seafood.

11 7. In or about August 2016, I submitted a declaration in support of class
12 certification, further explaining my experiences with the Spill and confirming my
13 commitment to representing the interests of the Class.

14 8. I searched for, preserved, and provided to counsel any documents that
15 were pertinent to the case multiple times over multiple years, understanding that
16 Defendant would receive copies of documents to which they were entitled,
17 including private and financially sensitive documents. I also reviewed or discussed
18 with my counsel numerous other documents related to this case, including
19 documents shared in discovery, the proposed settlement, and the settlement
20 approval papers. I worked closely with counsel to respond to written discovery
21 requests as well.

22 9. I was deposed by Defendants. As part of that process, I took
23 substantial time out of my schedule to prepare and meet with counsel, attend the
24 deposition itself, and later review the transcript for errors.

25 10. I estimate that I devoted approximately 130 hours to this case since
26 2015, including by working on the tasks described above.

27 11. I have reviewed the Settlement and the [Proposed] Plan of Distribution
28 for the Fisher Class. I strongly support them, as I believe they represent an excellent

1 and fair resolution of this case, while also avoiding the delays and risks of
2 additional litigation, trial, and appeals.

3 12. I have never been promised any compensation for performing my
4 duties as a plaintiff and class representative, including any service award, and I am
5 aware of no interest of mine in this litigation that conflicts with the interests of
6 other class members. I understand, however, that Class Counsel also believe that
7 the contributions I have made to this litigation justify a service award and intend to
8 request that the Court award me \$15,000 for my time and efforts on behalf of the
9 Class, which the Court may or may not approve at its discretion. I support my
10 lawyers' request that I receive a service award of \$15,000. I have worked hard on
11 this case over the last seven years.

12 I declare under penalty of perjury under the laws of the State of California
13 that the foregoing is true and correct.

14
15 Executed this 22nd day of July 2022, in Goleta, California.

16
17 By:  _____
18 Sarah Rathbone
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27
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EXHIBIT 4

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8 ***Class Counsel***

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12 ***Lead Trial Counsel***
13 *(additional counsel listed at signature)*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

17 KEITH ANDREWS, an individual, et
18 al.,

19 Plaintiffs,

20 v.

21 PLAINS ALL AMERICAN
PIPELINE, L.P., a Delaware limited
22 partnership, et al.,

23 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF HWA HONG
MUH IN SUPPORT OF FINAL
SETTLEMENT APPROVAL;
PLANS OF DISTRIBUTION; FEES,
EXPENSES, AND SERVICE
AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Hwa Hong Muh, declare as follows:

2 1. I am a named Plaintiff in this action representing the Fisher Class.

3 2. I submit this Declaration in support of Plaintiffs' motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I am a resident of Alhambra, California and I was owner of Mu's
9 Seafood Co. At the time of the Spill, I was part owner of the company with my
10 father and brother, but I later assumed sole ownership of the company. I first
11 started buying sea cucumbers in Santa Barbara about thirty years ago. As far as I
12 know, I was the first commercial sea cucumber buyer in Santa Barbara. I worked
13 with local fisherman to develop that fishery and grow the market for Santa Barbara
14 sea cucumbers. During the sea cucumber fishing season in Santa Barbara, I would
15 buy sea cucumbers from various fisherman on the docks in the Santa Barbara
16 Marina, dry them, and sell to buyers mostly in Asia, where they were individually
17 sold as a delicacy. I closed Mu's Seafood Co. in April of 2020.

18 4. I voluntarily undertook the burdens and risks associated with this
19 lawsuit to seek compensation—for myself and others like me—for injuries
20 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
21 case entailed, among other things: having my name in a publicly-filed complaint;
22 ongoing engagement with my legal team; participating in discovery, including a
23 possible deposition; participating in a potential trial; and acting at all times in the
24 best interest of the class, including in any mediation or settlement. I believed that
25 without plaintiffs such as myself stepping forward to serve as class representatives,
26 Defendants would not compensate the people and businesses they harmed.

27 5. I have participated actively in this lawsuit since August 4, 2015. In my
28 role as a class representative, I have followed the status and progress of the case

1 and met with counsel in person or communicated with them by phone and e-mail to
2 stay informed, to discuss motion practice, amendments to the complaint, discovery
3 requests and responses, the district court's rulings, and litigation strategy, including
4 during the mediation and settlement negotiations. I will continue to do so during
5 this settlement approval process, as needed.

6 6. Among other tasks, I helped counsel draft the complaints by describing
7 to them my story and relevant facts and events. As part of that process, I reviewed
8 and provided counsel with documents and information.

9 7. In or about August 2016, I submitted a declaration in support of class
10 certification, further explaining my experiences with the Spill and confirming my
11 commitment to representing the interests of the Class.

12 8. I searched for, preserved, and provided to counsel any documents that
13 were pertinent to the case multiple times over multiple years, understanding that
14 Defendant would receive copies of documents to which they were entitled,
15 including private and financially sensitive documents. I also reviewed or discussed
16 with my counsel numerous other documents related to this case, including
17 documents shared in discovery, the proposed settlement, and the settlement
18 approval papers. I worked closely with counsel to respond to written discovery
19 requests as well.

20 9. I was deposed by Defendants. As part of that process, I took
21 substantial time out of my schedule to prepare and meet with counsel, attend the
22 deposition itself, and later review the transcript for errors.

23 10. I estimate that I devoted approximately 130 hours to this case since
24 2015, including by working on the tasks described above.

25 11. I have reviewed the Settlement and the [Proposed] Plan of Distribution
26 for the Fisher Class. I strongly support them, as I believe they represent an excellent
27 and fair resolution of this case, while also avoiding the delays and risks of
28 additional litigation, trial, and appeals.

EXHIBIT 5

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12 ***Lead Trial Counsel***
13 *(additional counsel listed at signature)*

14
15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 KEITH ANDREWS, an individual, et
18 al.,

19 Plaintiffs,

20 v.

21 PLAINS ALL AMERICAN
22 PIPELINE, L.P., a Delaware limited
partnership, et al.,

23 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF KEITH
ANDREWS IN SUPPORT OF
FINAL SETTLEMENT
APPROVAL; PLANS OF
DISTRIBUTION; FEES,
EXPENSES, AND SERVICE
AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Keith Andrews, declare as follows:

2 1. I am a named Plaintiff in this action representing the Fisher Class.

3 2. I submit this Declaration in support of Plaintiffs' motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I am a resident of Santa Margarita, California and have been self
9 employed as a full time commercial fisherman since 1993. Since 2008, I have
10 fished with my wife, Tiffani Andrews, in the waters off the coast of Santa Barbara.
11 At the time of the 2015 Refugio Oil Spill, we fished out of and near the Santa
12 Barbara harbor and along the coastline north and west of Santa Barbara towards
13 Gaviota, for sea cucumber, ridgeback shrimp and halibut, depending on availability
14 and the season. As a result of the Spill, we stopped fishing for sea cucumber and
15 now primarily fish for California halibut out of Port San Luis.

16 4. I voluntarily undertook the burdens and risks associated with this
17 lawsuit to seek compensation—for myself and others like me—for injuries
18 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
19 case entailed, among other things: having my name in a publicly-filed complaint;
20 ongoing engagement with my legal team; participating in discovery, including a
21 possible deposition; participating in a potential trial; and acting at all times in the
22 best interest of the class, including in any mediation or settlement. I believed that
23 without plaintiffs such as myself stepping forward to serve as class representatives,
24 Defendants would not compensate the people and businesses they harmed.

25 5. I have participated actively in this lawsuit since July 1, 2015. In my
26 role as a class representative, I have followed the status and progress of the case
27 and met with counsel in person or communicated with them by phone and e-mail to
28 stay informed, to discuss motion practice, amendments to the complaint, discovery

1 requests and responses, the district court's rulings, and litigation strategy, including
2 during the mediation and settlement negotiations. I will continue to do so during
3 this settlement approval process, as needed.

4 6. Among other tasks, I helped counsel draft the complaints by describing
5 to them my story and relevant facts and events. As part of that process, I reviewed
6 and provided counsel with documents and information, and I reviewed the draft
7 complaint before it was filed.

8 7. In or about August 2016, I submitted a declaration in support of class
9 certification, further explaining my experiences with the Spill and confirming my
10 commitment to representing the interests of the Class.

11 8. My wife and I searched for, preserved, and provided to counsel any
12 documents that were pertinent to the case multiple times over multiple years,
13 understanding that Defendant would receive copies of documents to which they
14 were entitled, including private and financially sensitive documents. I reviewed or
15 discussed with my counsel numerous other documents related to this case,
16 including documents shared in discovery, the proposed settlement, and the
17 settlement approval papers. I worked closely with counsel to respond to written
18 discovery requests as well.

19 9. I was deposed by Defendants. As part of that process, I took
20 substantial time out of my schedule to prepare and meet with counsel, attend the
21 deposition itself, and later review the transcript for errors.

22 10. I estimate that I devoted approximately 200 hours to this case since
23 2015, including by working on the tasks described above.

24 11. I have reviewed the Settlement and the [Proposed] Plan of Distribution
25 for the Fisher Class. I strongly support them, as I believe they represent an excellent
26 and fair resolution of this case, while also avoiding the delays and risks of
27 additional litigation, trial, and appeals.
28

EXHIBIT 6

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8 ***Class Counsel***

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13 ***Lead Trial Counsel***
(additional counsel listed at signature)

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16

17 KEITH ANDREWS, an individual, et
18 al.,
19 **Plaintiffs,**
20 v.
21 PLAINS ALL AMERICAN
22 PIPELINE, L.P., a Delaware limited
partnership, et al.,
23 **Defendants.**
24
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Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF MIKE
GANDALL IN SUPPORT OF
FINAL SETTLEMENT
APPROVAL; PLANS OF
DISTRIBUTION; FEES,
EXPENSES, AND SERVICE
AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Mike Gandall, declare as follows:

2 1. I am a named Plaintiff in this action representing the Fisher Class.

3 2. I submit this Declaration in support of Plaintiffs' motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I am a resident of Goleta, California and I have been a commercial
9 fisherman for more than 30 years, having purchased my first boat in 1983. At the
10 time of the 2015 Refugio Oil Spill, I fished primarily for California spiny lobster,
11 and typically set my traps in the coastal waters between Gaviota, Santa Barbara and
12 Carpinteria. I also fished for rock crab, and occasionally for tuna and halibut. I
13 sold my lobster permit in 2017 because increased expenses due to the Spill were
14 exceeding my gross sales. Several years later, I purchased a new boat for
15 commercial fishing, but I am no longer able to support myself by fishing and have
16 taken on odd jobs to make ends meet.

17 4. I voluntarily undertook the burdens and risks associated with this
18 lawsuit to seek compensation—for myself and others like me—for injuries
19 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
20 case entailed, among other things: having my name in a publicly-filed complaint;
21 ongoing engagement with my legal team; participating in discovery, including a
22 possible deposition; participating in a potential trial; and acting at all times in the
23 best interest of the class, including in any mediation or settlement. I believed that
24 without plaintiffs such as myself stepping forward to serve as class representatives,
25 Defendants would not compensate the people and businesses they harmed.

26 5. I have participated actively in this lawsuit since June 11, 2015. In my
27 role as a class representative, I have followed the status and progress of the case
28 and met with counsel in person or communicated with them by phone and e-mail to

1 stay informed, to discuss motion practice, amendments to the complaint, discovery
2 requests and responses, the district court's rulings, and litigation strategy, including
3 during the mediation and settlement negotiations. I will continue to do so during
4 this settlement approval process, as needed.

5 6. Among other tasks, I helped counsel draft the complaints by describing
6 to them my story and relevant facts and events. As part of that process, I reviewed
7 and provided counsel with documents and information, and I looked at and
8 reviewed the draft complaint before it was filed.

9 7. In or about August 2016, I submitted a declaration in support of class
10 certification, further explaining my experiences with the Spill and confirming my
11 commitment to representing the interests of the Class.

12 8. I searched for, preserved, and provided to counsel any documents that
13 were pertinent to the case multiple times over multiple years, understanding that
14 Defendant would receive copies of documents to which they were entitled,
15 including private and financially sensitive documents. I also reviewed or discussed
16 with my counsel numerous other documents related to this case, including
17 documents shared in discovery, the proposed settlement, and the settlement
18 approval papers. I worked closely with counsel to respond to written discovery
19 requests as well.

20 9. I was deposed by Defendants. As part of that process, I took
21 substantial time out of my schedule to prepare and meet with counsel, attend the
22 deposition itself, and later review the transcript for errors.

23 10. I estimate that I devoted approximately 100 hours to this case since
24 2015, including by working on the tasks described above.

25 11. I have reviewed the Settlement and the [Proposed] Plan of Distribution
26 for the Fisher Class. I strongly support them, as I believe they represent an excellent
27 and fair resolution of this case, while also avoiding the delays and risks of
28 additional litigation, trial, and appeals.

EXHIBIT 7

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8 ***Class Counsel***

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12

13 ***Lead Trial Counsel***
(additional counsel listed at signature)

14
15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 KEITH ANDREWS, an individual, et
18 al.,

19 Plaintiffs,

20 v.

21 PLAINS ALL AMERICAN
22 PIPELINE, L.P., a Delaware limited
partnership, et al.,

23 Defendants.
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Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF MORGAN
CASTAGNOLA IN SUPPORT OF
FINAL SETTLEMENT
APPROVAL; PLANS OF
DISTRIBUTION; FEES,
EXPENSES, AND SERVICE
AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Morgan Castagnola, declare as follows:

2 1. I am a named Plaintiff in this action representing the Fisher Class.

3 2. I submit this Declaration in support of Plaintiffs' motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I am a fourth generation resident of Santa Barbara, California and
9 commercial fisherman in the Santa Barbara Harbor. I started fishing in the Santa
10 Barbara area when I was six years old, and I have been fishing for a living since I
11 was 18. Initially, I worked as a crewman on fishing boats that my family owned.
12 At the time of the 2015 Refugio Oil Spill I owned my own fishing boat and I
13 primarily fished for halibut along the Gaviota Coast.

14 4. I voluntarily undertook the burdens and risks associated with this
15 lawsuit to seek compensation—for myself and others like me—for injuries
16 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
17 case entailed, among other things: having my name in a publicly-filed complaint;
18 ongoing engagement with my legal team; participating in discovery, including a
19 possible deposition; participating in a potential trial; and acting at all times in the
20 best interest of the class, including in any mediation or settlement. I believed that
21 without plaintiffs such as myself stepping forward to serve as class representatives,
22 Defendants would not compensate the people and businesses they harmed.

23 5. I have participated actively in this lawsuit since August 26, 2015. In
24 my role as a class representative, I have followed the status and progress of the case
25 and met with counsel in person or communicated with them by phone and e-mail to
26 stay informed, to discuss motion practice, amendments to the complaint, discovery
27 requests and responses, the district court's rulings, and litigation strategy, including
28

1 during the mediation and settlement negotiations. I will continue to do so during
2 this settlement approval process, as needed.

3 6. Among other tasks, I helped counsel draft the complaints by describing
4 to them my story and relevant facts and events. As part of that process, I reviewed
5 and provided counsel with documents and information.

6 7. In or about August 2016, I submitted a declaration in support of class
7 certification, further explaining my experiences with the Spill and confirming my
8 commitment to representing the interests of the Class.

9 8. I searched for, preserved, and provided to counsel any documents that
10 were pertinent to the case multiple times over multiple years, understanding that
11 Defendant would receive copies of documents to which they were entitled,
12 including private and financially sensitive documents. I also reviewed or discussed
13 with my counsel numerous other documents related to this case, including
14 documents shared in discovery, the proposed settlement, and the settlement
15 approval papers. I worked closely with counsel to respond to written discovery
16 requests as well.

17 9. I was deposed by Defendants. As part of that process, I took
18 substantial time out of my schedule to prepare and meet with counsel, attend the
19 deposition itself, and later review the transcript for errors.

20 10. I estimate that I devoted approximately 100 hours to this case since
21 2015, including by working on the tasks described above.

22 11. I have reviewed the Settlement and the [Proposed] Plan of Distribution
23 for the Fisher Class. I strongly support them, as I believe they represent an excellent
24 and fair resolution of this case, while also avoiding the delays and risks of
25 additional litigation, trial, and appeals.

26 12. I have never been promised any compensation for performing my
27 duties as a plaintiff and class representative, including any service award, and I am
28 aware of no interest of mine in this litigation that conflicts with the interests of

1 other class members. I understand, however, that Class Counsel also believe that
2 the contributions I have made to this litigation justify a service award and intend to
3 request that the Court award me \$15,000 for my time and efforts on behalf of the
4 Class, which the Court may or may not approve at its discretion. I support my
5 lawyers' request that I receive a service award of \$15,000. I have worked hard on
6 this case over the last seven years.

7 I declare under penalty of perjury under the laws of the State of California
8 that the foregoing is true and correct.

9
10 Executed this 22nd day of July 2022, in Santa Barbara, California.

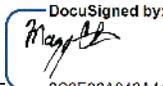
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12 By:  _____
13 Morgan Castagnola
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EXHIBIT 8

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9 *Class Counsel*

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14 *Lead Trial Counsel*
15 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

19 KEITH ANDREWS, an individual, et
20 al.,

21 Plaintiffs,

22 v.

23 PLAINS ALL AMERICAN
24 PIPELINE, L.P., a Delaware limited
25 partnership, et al.,

26 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF DAVID TIBBLES
ON BEHALF OF OCEAN ANGEL IV,
LLC. IN SUPPORT OF FINAL
SETTLEMENT APPROVAL; PLANS
OF DISTRIBUTION; FEES,
EXPENSES, AND SERVICE AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, David Tibbles, declare as follows:

2 1. Ocean Angel IV, LLC is a named Plaintiff in this action representing
3 the Fisher Class. I submit this declaration on behalf of Ocean Angel IV, LLC,
4 which operates the commercial fishing vessel *Ocean Angel IV*.

5 2. I submit this Declaration in support of Plaintiffs' motions for final
6 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
7 and class representative service awards. I have personal knowledge of the facts
8 stated herein. If called to testify to the contents of this declaration, I could and
9 would competently do so.

10 3. I have been in the commercial fishing industry for more than 45 years.
11 At the time of the Spill, I primarily fished for squid off the Southern California
12 Bight off Point Conception.

13 4. I voluntarily undertook the burdens and risks associated with this
14 lawsuit to seek compensation – for myself and others like me – for injuries
15 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
16 case entailed, among other things: having my name in a publicly-filed complaint;
17 ongoing engagement with my legal team; participating in discovery, including a
18 possible deposition; participating in a potential trial; and acting at all times in the
19 best interest of the class, including in any mediation or settlement. I believed that
20 without plaintiffs such as myself stepping forward to serve as class representatives,
21 Defendants would not compensate the people and businesses they harmed.

22 5. I have participated actively in this lawsuit since October of 2015. In
23 my role as a class representative, I have followed the status and progress of the case
24 and met with counsel in person or communicated with them by phone and e-mail to
25 stay informed, to discuss motion practice, amendments to the complaint, discovery
26 requests and responses, the district court's rulings, and litigation strategy, including
27 during the mediation and settlement negotiations. I will continue to do so during
28 this settlement approval process, as needed.

1 6. Among other tasks, I helped counsel draft the complaints by describing
2 to them my story and relevant facts and events. As part of that process, I reviewed
3 and provided counsel with documents and information.

4 7. In or about August 2016, I submitted a declaration in support of class
5 certification, further explaining my experiences with the Spill and confirming my
6 commitment to representing the interests of the Class.

7 8. I searched for, preserved, and provided to counsel any documents that
8 were pertinent to the case multiple times over multiple years, understanding that
9 Defendant would receive copies of documents to which they were entitled,
10 including private and financially sensitive documents. I also reviewed or discussed
11 with my counsel numerous other documents related to this case, including
12 documents shared in discovery, the proposed settlement, and the settlement
13 approval papers. I worked closely with counsel to respond to written discovery
14 requests as well.

15 9. I was deposed by Defendants. As part of that process, I took
16 substantial time out of my schedule to prepare and meet with counsel, attend the
17 deposition itself, and later review the transcript for errors.

18 10. I estimate that I have devoted more than 150 hours to this case,
19 including by working on the tasks described above and in lengthy discussions with
20 Class Counsel about the case.

21 11. I have reviewed the [Proposed] Fisher Plan of Distribution. I strongly
22 support them, as I believe they represent an excellent and fair resolution of this
23 case, while also avoiding the delays and risks of additional litigation, trial, and
24 appeals.

25 12. I have never been promised any compensation for performing my
26 duties as a plaintiff and class representative, including any service award, and I am
27 aware of no interest of mine in this litigation that conflicts with the interests of
28 other class members. I understand, however, that Class Counsel also believe that

1 the contributions I have made to this litigation justify a service award and intend to
2 request that the Court award me \$15,000 for my time and efforts on behalf of the
3 Class, which the Court may or may not approve at its discretion. I support my
4 lawyers' request that I receive a service award of \$15,000. I have worked hard on
5 this case over the last seven years.

6 I declare under penalty of perjury under the laws of the State of California
7 that the foregoing is true and correct.

8 Executed this 28 day of July, in Waikoloa, Hawaii.

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By: David W Tibbles
David W Tibbles (Jul 28, 2022 06:39 HST)
David Tibbles

Plains Class Rep - David Tibbles

Final Audit Report

2022-07-28

Created:	2022-07-28
By:	Andrew Dickerson (adickerson@cappellonoel.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfJgRgzbC9dtbYYX9Z1IXuzHiovGtZIDr

"Plains Class Rep - David Tibbles" History

-  Document created by Andrew Dickerson (adickerson@cappellonoel.com)
2022-07-28 - 2:59:20 PM GMT
-  Document emailed to spinnucci57@gmail.com for signature
2022-07-28 - 2:59:38 PM GMT
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2022-07-28 - 4:22:36 PM GMT
-  Signer spinnucci57@gmail.com entered name at signing as David W Tibbles
2022-07-28 - 4:39:27 PM GMT
-  Document e-signed by David W Tibbles (spinnucci57@gmail.com)
Signature Date: 2022-07-28 - 4:39:29 PM GMT - Time Source: server
-  Agreement completed.
2022-07-28 - 4:39:29 PM GMT

EXHIBIT 9

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14 *Lead Trial Counsel*
15 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

19 KEITH ANDREWS, an individual, et
20 al.,

21 Plaintiffs,

22 v.

23 PLAINS ALL AMERICAN
24 PIPELINE, L.P., a Delaware limited
25 partnership, et al.,

26 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF PETE
GUGLIELMO ON BEHALF OF
PACIFIC RIM FISHERIES AND
SOUTHERN CAL SEAFOOD IN
SUPPORT OF FINAL SETTLEMENT
APPROVAL; PLANS OF
DISTRIBUTION; FEES, EXPENSES,
AND SERVICE AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Pete Guglielmo, declare as follows:

2 1. Pacific Rim Fisheries, Inc. and Southern Cal Seafood, Inc. Pacific Rim
3 Fisheries are named Plaintiffs in this action representing the Fisher Class.

4 2. I submit this Declaration in support of Plaintiffs' motions for final
5 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
6 and class representative service awards. I have personal knowledge of the facts
7 stated herein. If called to testify to the contents of this declaration, I could and
8 would competently do so.

9 3. I am the owner of Pacific Rim Fisheries, Inc. and Southern Cal
10 Seafood, Inc. Pacific Rim Fisheries is a family-owned company that has been
11 operating since 2011. It sells and ships a wide variety of seafood products to
12 destinations all over the world. Southern Cal Seafood is a family-owned company
13 that has been operating since 1994, run by experienced commercial fishermen. At
14 the time of the Spill, Pacific Rim and Southern Cal Seafood specialized in squids
15 and crab caught off the California coast.

16 4. I voluntarily undertook the burdens and risks associated with this
17 lawsuit to seek compensation – for myself and others like me – for injuries
18 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
19 case entailed, among other things: having my name in a publicly-filed complaint;
20 ongoing engagement with my legal team; participating in discovery, including a
21 possible deposition; participating in a potential trial; and acting at all times in the
22 best interest of the class, including in any mediation or settlement. I believed that
23 without plaintiffs such as myself stepping forward to serve as class representatives,
24 Defendants would not compensate the people and businesses they harmed.

25 5. I have participated actively in this lawsuit since August of 2016. In my
26 role as a class representative, I have followed the status and progress of the case
27 and met with counsel in person or communicated with them by phone and e-mail to
28 stay informed, to discuss motion practice, amendments to the complaint, discovery

1 requests and responses, the district court's rulings, and litigation strategy, including
2 during the mediation and settlement negotiations. I will continue to do so during
3 this settlement approval process, as needed.

4 6. Among other tasks, I helped counsel draft the complaints by describing
5 to them my story and relevant facts and events. As part of that process, I reviewed
6 and provided counsel with documents and information and I reviewed the draft
7 complaint before it was filed.

8 7. In or about August 2016, I submitted a declaration in support of class
9 certification, further explaining my experiences with the Spill and confirming my
10 commitment to representing the interests of the Class.

11 8. I searched for, preserved, and provided to counsel any documents that
12 were pertinent to the case multiple times over multiple years, understanding that
13 Defendant would receive copies of documents to which they were entitled,
14 including private and financially sensitive documents. I also reviewed or discussed
15 with my counsel numerous other documents related to this case, including
16 documents shared in discovery, the proposed settlement, and the settlement
17 approval papers. I worked closely with counsel to respond to written discovery
18 requests as well.

19 9. I was deposed by Defendants. As part of that process, I took
20 substantial time out of my schedule to prepare and meet with counsel, attend the
21 deposition itself, and later review the transcript for errors.

22 10. I estimate that I and my staff have devoted at least 60-80 hours to this
23 case, including by working on the tasks described above.

24 11. I have reviewed the [Proposed] Fisher Plan of Distribution. I strongly
25 support them, as I believe they represent an excellent and fair resolution of this
26 case, while also avoiding the delays and risks of additional litigation, trial, and
27 appeals.

28

Plains Class Rep - Pete Guglielmo

Final Audit Report

2022-07-29

Created:	2022-07-28
By:	Andrew Dickerson (adickerson@cappellonoel.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAt7UogbBKwT5li-XKbO0hyaefi7Dunk

"Plains Class Rep - Pete Guglielmo" History

-  Document created by Andrew Dickerson (adickerson@cappellonoel.com)
2022-07-28 - 11:15:33 PM GMT
-  Document emailed to Pete Guglielmo (peteguglielmo@gmail.com) for signature
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Signature Date: 2022-07-29 - 3:35:30 AM GMT - Time Source: server
-  Agreement completed.
2022-07-29 - 3:35:30 AM GMT

EXHIBIT 10

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8 ***Class Counsel***

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12

13 ***Lead Trial Counsel***
(additional counsel listed at signature)

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16

17 KEITH ANDREWS, an individual, et
18 al.,

19 Plaintiffs,

20 v.

21 PLAINS ALL AMERICAN
PIPELINE, L.P., a Delaware limited
22 partnership, et al.,

23 Defendants.
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Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF ARNULFO
"ARNOLD" BAEZ IN SUPPORT OF
FINAL SETTLEMENT
APPROVAL; PLANS OF
DISTRIBUTION; FEES,
EXPENSES, AND SERVICE
AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Arnulfo “Arnold” Baez, declare as follows:

2 1. I am a named Plaintiff in this action representing the Fisher Class.

3 2. I submit this Declaration in support of Plaintiffs’ motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I am a resident of Oxnard, California and the founder, president, and
9 sole owner of Santa Barbara Uni, Inc. I have been a commercial fisherman or
10 processor in the Central Coast area for over 30 years and I opened my business in
11 October 2014. At the time of the 2015 Refugio Oil Spill, Santa Barbara Uni bought
12 fresh sea urchins from divers working primarily out of Oxnard, Ventura, and Santa
13 Barbara. The product we bought came from the waters along the Gaviota coast and
14 surrounding the Channel Islands. Santa Barbara Uni processes the wild uni and
15 sells packaged uni roe to seafood distributors. At the time of the Spill, Santa
16 Barbara Uni employed approximately 30 people. As a result of the Spill, Santa
17 Barbara Uni is now required to buy uni from divers in Oregon.

18 4. I voluntarily undertook the burdens and risks associated with this
19 lawsuit to seek compensation—for myself and others like me—for injuries
20 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
21 case entailed, among other things: having my name in a publicly-filed complaint;
22 ongoing engagement with my legal team; participating in discovery, including a
23 possible deposition; participating in a potential trial; and acting at all times in the
24 best interest of the class, including in any mediation or settlement. I believed that
25 without plaintiffs such as myself stepping forward to serve as class representatives,
26 Defendants would not compensate the people and businesses they harmed.

27 5. I have participated actively in this lawsuit since July 20, 2015. In my
28 role as a class representative, I have followed the status and progress of the case

1 and met with counsel in person or communicated with them by phone and e-mail to
2 stay informed, to discuss motion practice, amendments to the complaint, discovery
3 requests and responses, the district court's rulings, and litigation strategy, including
4 during the mediation and settlement negotiations. I will continue to do so during
5 this settlement approval process, as needed.

6 6. Among other tasks, I helped counsel draft the complaints by describing
7 to them my story and relevant facts and events. As part of that process, I reviewed
8 and provided counsel with documents and information.

9 7. In or about August 2016, I submitted a declaration in support of class
10 certification, further explaining my experiences with the Spill and confirming my
11 commitment to representing the interests of the Class.

12 8. Under my direction, Santa Barbara Uni employees searched for,
13 preserved, and provided to counsel any documents that were pertinent to the case
14 multiple times over multiple years, understanding that the Defendants would
15 receive copies of documents to which they were entitled, including private and
16 financially sensitive documents. I also reviewed or discussed with my counsel
17 numerous other documents related to this case, including documents shared in
18 discovery, the proposed settlement, and the settlement approval papers. I worked
19 closely with counsel to respond to written discovery requests as well.

20 9. I was deposed by Defendants. As part of that process, I took
21 substantial time out of my schedule to prepare and meet with counsel, attend the
22 deposition itself, and later review the transcript for errors.

23 10. I estimate that Santa Barbara Uni employees and I devoted
24 approximately 95 hours to this case since 2015, including by working on the tasks
25 described above.

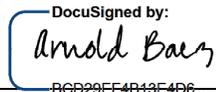
26 11. I have reviewed the Settlement and the [Proposed] Plan of Distribution
27 for the Fisher Class. I strongly support them, as I believe they represent an excellent
28

1 and fair resolution of this case, while also avoiding the delays and risks of
2 additional litigation, trial, and appeals.

3 12. I have never been promised any compensation for performing my
4 duties as a plaintiff and class representative, including any service award, and I am
5 aware of no interest of mine in this litigation that conflicts with the interests of
6 other class members. I understand, however, that Class Counsel also believe that
7 the contributions I have made to this litigation justify a service award and intend to
8 request that the Court award me \$15,000 for my time and efforts on behalf of the
9 Class, which the Court may or may not approve at its discretion. I support my
10 lawyers' request that I receive a service award of \$15,000. I have worked hard on
11 this case over the last seven years.

12 I declare under penalty of perjury under the laws of the State of California
13 that the foregoing is true and correct.

14
15 Executed this 22nd day of July, 2022 in Oxnard, California.

16
17 By: 
18 B0B29EF4B19E4D6...
19 Arnold Baez

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EXHIBIT 11

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8 ***Class Counsel***

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Telephone: (805)564-2444

12 ***Lead Trial Counsel***
13 *(additional counsel listed at signature)*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

17 KEITH ANDREWS, an individual, et
18 al.,

19 Plaintiffs,

20 v.

21 PLAINS ALL AMERICAN
22 PIPELINE, L.P., a Delaware limited
partnership, et al.,

23 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF TIFFANI
ANDREWS IN SUPPORT OF
FINAL SETTLEMENT
APPROVAL; PLANS OF
DISTRIBUTION; FEES,
EXPENSES, AND SERVICE
AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Tiffani Andrews, declare as follows:

2 1. I am a named Plaintiff in this action representing the Fisher Class.

3 2. I submit this Declaration in support of Plaintiffs' motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I am a resident of Santa Margarita, California and I have been self-
9 employed in commercial fishing full time since June 2008 with my husband, Keith
10 Andrews, in the waters off the cost of Santa Barbara. At the time of the 2015
11 Refugio Oil Spill, we fished out of and near the Santa Barbara harbor and along the
12 coastline north and west of Santa Barbara towards Gaviota, for sea cucumber,
13 ridgeback shrimp and halibut, depending on availability and the season. As a result
14 of the Spill, we stopped fishing for sea cucumber and now primarily fish for
15 California halibut out of Port San Luis.

16 4. I voluntarily undertook the burdens and risks associated with this
17 lawsuit to seek compensation—for myself and others like me—for injuries
18 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
19 case entailed, among other things: having my name in a publicly-filed complaint;
20 ongoing engagement with my legal team; participating in discovery; participating in
21 a potential trial; and acting at all times in the best interest of the class, including in
22 any mediation or settlement. I believed that without plaintiffs such as myself
23 stepping forward to serve as class representatives, Defendants would not
24 compensate the people and businesses they harmed.

25 5. I have participated actively in this lawsuit since July 1, 2015. In my
26 role as a class representative, I have followed the status and progress of the case
27 and met with counsel in person or communicated with them by phone and e-mail to
28 stay informed, to discuss motion practice, amendments to the complaint, discovery

1 requests and responses, the district court's rulings, and litigation strategy, including
2 during the mediation and settlement negotiations. I will continue to do so during
3 this settlement approval process, as needed.

4 6. Among other tasks, I helped counsel draft the complaints by describing
5 to them my story and relevant facts and events. As part of that process, I reviewed
6 and provided counsel with documents and information.

7 7. I searched for, preserved, and provided to counsel any documents that
8 were pertinent to the case multiple times over multiple years, understanding that
9 Defendants would receive copies of the documents to which they were entitled,
10 including private and financially sensitive documents. I also reviewed or discussed
11 with my counsel numerous other documents related to this case, including
12 documents shared in discovery, the proposed settlement, and the settlement
13 approval papers. I worked closely with my counsel to respond to written discovery
14 requests as well.

15 8. I attended the deposition of Keith Andrews by Defendants. As part of
16 that process, I took substantial time out of my schedule to attend the meetings to
17 prepare him and meet with counsel, attend the deposition itself, and later assisted
18 with reviewing the transcript for errors.

19 9. I estimate that I devoted approximately 100 hours to this case since
20 2015, including by working on the tasks described above.

21 10. I have reviewed the Settlement and the [Proposed] Plan of Distribution
22 for the Fisher Class. I strongly support them, as I believe they represent an excellent
23 and fair resolution of this case, while also avoiding the delays and risks of
24 additional litigation, trial, and appeals.

25 11. I have never been promised any compensation for performing my
26 duties as a plaintiff and class representative, including any service award, and I am
27 aware of no interest of mine in this litigation that conflicts with the interests of
28 other class members. I understand, however, that Class Counsel also believe that

1 the contributions I have made to this litigation justify a service award and intend to
2 request that the Court award me \$15,000 for my time and efforts on behalf of the
3 Class, which the Court may or may not approve at its discretion. I support my
4 lawyers' request that I receive a service award of \$15,000. I have worked hard on
5 this case over the last seven years.

6 I declare under penalty of perjury under the laws of the State of California
7 that the foregoing is true and correct.

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9 Executed this 22nd day of July 2022, in San Luis Obispo, California.

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11 By: DocuSigned by:
Tiffani Andrews
868664DCF203458...
12 Tiffani Andrews

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EXHIBIT 12

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8 ***Class Counsel***

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Telephone: (805)564-2444

12 ***Lead Trial Counsel***
13 *(additional counsel listed at signature)*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

17 KEITH ANDREWS, an individual, et
18 al.,

19 Plaintiffs,

20 v.

21 PLAINS ALL AMERICAN
PIPELINE, L.P., a Delaware limited
22 partnership, et al.,

23 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF WEIHAI
“DANNY” ZHUANG IN SUPPORT
OF FINAL SETTLEMENT
APPROVAL; PLANS OF
DISTRIBUTION; FEES,
EXPENSES, AND SERVICE
AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Weihai “Danny” Zhuang, declare as follows:

2 1. I am a named Plaintiff in this action representing the Fisher Class.

3 2. I submit this Declaration in support of Plaintiffs’ motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I am a resident of El Monte, California and I operate Wei International
9 Trading Inc., a sea cucumber processing company owned by my wife. Wei
10 International Trading Inc. was founded in 2012 and bought, processed, and
11 exported sea cucumbers from Santa Barbara. I primarily bought sea cucumbers
12 from Santa Barbara and Long Beach fishermen. The Santa Barbara coastal waters
13 have the distinguished reputation of having the highest quality sea cucumbers. The
14 sea cucumbers from the area also commanded a premium price. Once the sea
15 cucumbers were purchased, I processed and prepared the product for sale, primarily
16 to buyers in China.

17 4. I voluntarily undertook the burdens and risks associated with this
18 lawsuit to seek compensation—for myself and others like me—for injuries
19 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
20 case entailed, among other things: having my name in a publicly-filed complaint;
21 ongoing engagement with my legal team; participating in discovery, including a
22 possible deposition; participating in a potential trial; and acting at all times in the
23 best interest of the class, including in any mediation or settlement. I believed that
24 without plaintiffs such as myself stepping forward to serve as class representatives,
25 Defendants would not compensate the people and businesses they harmed.

26 5. I have participated actively in this lawsuit since June 26, 2015. In my
27 role as a class representative, I have followed the status and progress of the case
28 and met with counsel in person or communicated with them by phone and e-mail to

1 stay informed, to discuss motion practice, amendments to the complaint, discovery
2 requests and responses, the district court's rulings, and litigation strategy, including
3 during the mediation and settlement negotiations. I will continue to do so during
4 this settlement approval process, as needed.

5 6. Among other tasks, I helped counsel draft the complaints by describing
6 to them my story and relevant facts and events. As part of that process, I reviewed
7 and provided counsel with documents and information.

8 7. In or about August 2016, I submitted a declaration in support of class
9 certification, further explaining my experiences with the Spill and confirming my
10 commitment to representing the interests of the Class.

11 8. I searched for, preserved, and provided to counsel any documents that
12 were pertinent to the case multiple times over multiple years, understanding that the
13 Defendants would receive copies of documents to which they were entitled,
14 including private and financially sensitive documents. I also reviewed or discussed
15 with my counsel numerous other documents related to this case, including
16 documents shared in discovery, the proposed settlement, and the settlement
17 approval papers. I worked closely with counsel to respond to written discovery
18 requests as well.

19 9. I was deposed by Defendants. As part of that process, I took
20 substantial time out of my schedule to prepare and meet with counsel, attend the
21 deposition itself, and later review the transcript for errors.

22 10. I estimate that I, and others working on my behalf, devoted
23 approximately 130 hours to this case since 2015, including by working on the tasks
24 described above.

25 11. I have reviewed the Settlement and the [Proposed] Plan of Distribution
26 for the Fisher Class. I strongly support them, as I believe they represent an excellent
27 and fair resolution of this case, while also avoiding the delays and risks of
28 additional litigation, trial, and appeals.

EXHIBIT 13

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9 *Class Counsel*

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14 *Lead Trial Counsel*
15 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

19 KEITH ANDREWS, an individual, et
20 al.,

21 Plaintiffs,

22 v.

23 PLAINS ALL AMERICAN
24 PIPELINE, L.P., a Delaware limited
25 partnership, et al.,

26 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF ALEXANDRA B.
GEREMIA IN SUPPORT OF FINAL
SETTLEMENT APPROVAL; PLANS
OF DISTRIBUTION; FEES,
EXPENSES, AND SERVICE AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Alexandra B. Geremia, declare as follows:

2 1. I am a named Plaintiff in this action representing the Property Class.

3 2. I submit this Declaration in support of Plaintiffs' motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I have been a resident of Santa Barbara County since the late 1960s. I
9 am Trustee for the Alexandra Geremia Family Trust dated August 5, 1998. The
10 Trust is the record owner of real property located just north of Refugio State Beach
11 in Santa Barbara County, California. The Trust has been the property owner of 9
12 Arroyo Quemada Lane in Goleta since June of 2013. The property, which includes
13 a beach house, has direct and immediate beachfront access to the ocean, including
14 areas to swim, surf, fish, and kayak.

15 4. I voluntarily undertook the burdens and risks associated with this
16 lawsuit to seek compensation – for myself and others like me – for injuries
17 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
18 case entailed, among other things: having my name in a publicly-filed complaint;
19 ongoing engagement with my legal team; participating in discovery, including a
20 possible deposition; participating in a potential trial; and acting at all times in the
21 best interest of the class, including in any mediation or settlement. I believed that
22 without plaintiffs such as myself stepping forward to serve as class representatives,
23 Defendants would not compensate the people and businesses they harmed.

24 5. I have participated actively in this lawsuit since June of 2015. In my
25 role as a class representative, I have followed the status and progress of the case
26 and met with counsel in person or communicated with them by phone and e-mail to
27 stay informed, to discuss motion practice, amendments to the complaint, discovery
28 requests and responses, the district court's rulings, and litigation strategy, including

1 during the mediation and settlement negotiations. I will continue to do so during
2 this settlement approval process, as needed.

3 6. Among other tasks, I helped counsel draft the complaints by describing
4 to them my story and relevant facts and events. As part of that process, I reviewed
5 and provided counsel with documents and information and I reviewed the draft
6 complaint before it was filed.

7 7. In or about August 2016, I submitted a declaration in support of class
8 certification, further explaining my experiences with the Spill and confirming my
9 commitment to representing the interests of the Class.

10 8. I searched for, preserved, and provided to counsel any documents that
11 were pertinent to the case multiple times over multiple years, understanding that
12 Defendants would receive copies of documents, including private and financially
13 sensitive documents. I also reviewed or discussed with my counsel numerous other
14 documents related to this case, including documents shared in discovery, the
15 proposed settlement, and the settlement approval papers. I worked closely with
16 counsel to respond to written discovery requests as well.

17 9. I was deposed by Defendants. As part of that process, I took
18 substantial time out of my schedule to prepare and meet with counsel, attend the
19 deposition itself, and later reviewed the transcript for errors.

20 10. I estimate that I devoted 60 to 80 hours to this case, including by
21 working on the tasks described above.

22 11. I have reviewed the [Proposed] Property Plan of Distribution. I
23 strongly support them, as I believe they represent an excellent and fair resolution of
24 this case, while also avoiding the delays and risks of additional litigation, trial, and
25 appeals.

26 12. I have never been promised any compensation for performing my
27 duties as a plaintiff and class representative, including any service award, and I am
28 aware of no interest of mine in this litigation that conflicts with the interests of

1 other class members. I understand, however, that Class Counsel also believe that
2 the contributions I have made to this litigation justify a service award and intend to
3 request that the Court award me \$15,000 for my time and efforts on behalf of the
4 Class, which the Court may or may not approve at its discretion. I support my
5 lawyers' request that I receive a service award of \$15,000. I have worked hard on
6 this case over the last seven years.

7 I declare under penalty of perjury under the laws of the State of California
8 that the foregoing is true and correct.

9 Executed this 27 day of July in the City and County of Santa Barbara,
10 Central District California.

11
12 By: 
Alex Geremia (Jul 27, 2022 17:13 PDT)
13 Alexandra B. Geremia

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EXHIBIT 14

1 Robert J. Nelson (CSB No. 132797)
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9 *Class Counsel*

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14 *Lead Trial Counsel*
15 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

19 KEITH ANDREWS, an individual, et
20 al.,

21 Plaintiffs,

22 v.

23 PLAINS ALL AMERICAN
24 PIPELINE, L.P., a Delaware limited
25 partnership, et al.,

26 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF RONALD
MACLEOD ON BEHALF OF BACIU
FAMILY LLC IN SUPPORT OF
FINAL SETTLEMENT APPROVAL;
PLANS OF DISTRIBUTION; FEES,
EXPENSES, AND SERVICE AWARDS**

Date: September 16, 2022
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Courtroom: 6A

1 I, Ronald Macleod, declare as follows:

2 1. Baci Family LLC is a named Plaintiff in this action representing the
3 Property Class.

4 2. I submit this Declaration in support of Plaintiffs' motions for final
5 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
6 and class representative service awards. I have personal knowledge of the facts
7 stated herein. If called to testify to the contents of this declaration, I could and
8 would competently do so.

9 3. I am a managing member of Baci Family LLC, a single asset, family
10 operated LLC that owns undeveloped beachfront real property west of Refugio
11 State Beach in Santa Barbara County. I have lived in the area for over 25 years and
12 my family has owned the property for more than 70 years. The property has
13 immediate beachfront access to the ocean, including areas to swim, surf, fish, and
14 kayak. Before the Spill, our family would use the property for hiking and overnight
15 camping.

16 4. I voluntarily undertook the burdens and risks associated with this
17 lawsuit to seek compensation – for myself and others like me – for injuries
18 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
19 case entailed, among other things: having my name in a publicly-filed complaint;
20 ongoing engagement with my legal team; participating in discovery, including a
21 possible deposition; participating in a potential trial; and acting at all times in the
22 best interest of the class, including in any mediation or settlement. I believed that
23 without plaintiffs such as myself stepping forward to serve as class representatives,
24 Defendants would not compensate the people and businesses they harmed.

25 5. I have participated actively in this lawsuit since August of 2015. In my
26 role as a class representative, I have followed the status and progress of the case
27 and met with counsel in person or communicated with them by phone and e-mail to
28 stay informed, to discuss motion practice, amendments to the complaint, discovery

1 requests and responses, the district court's rulings, and litigation strategy, including
2 during the mediation and settlement negotiations. I will continue to do so during
3 this settlement approval process, as needed.

4 6. Among other tasks, I helped counsel draft the complaints by describing
5 to them my story and relevant facts and events. As part of that process, I reviewed
6 and provided counsel with documents and information and I reviewed the draft
7 complaint before it was filed.

8 7. In or about August 2016, I submitted a declaration in support of class
9 certification, further explaining my experiences with the Spill and confirming my
10 commitment to representing the interests of the Class.

11 8. I searched for, preserved, and provided to counsel any documents that
12 were pertinent to the case multiple times over multiple years, understanding that
13 Defendant would receive copies of documents to which they were entitled,
14 including private and financially sensitive documents. I also reviewed or discussed
15 with my counsel numerous other documents related to this case, including
16 documents shared in discovery, the proposed settlement, and the settlement
17 approval papers. I worked closely with counsel to respond to written discovery
18 requests as well.

19 9. I was deposed by Defendants. As part of that process, I took
20 substantial time out of my schedule to prepare and meet with counsel, attend the
21 deposition itself, and later review the transcript for errors.

22 10. I estimate I have devoted 130 to 150 hours to this case, including by
23 working on the tasks described above.

24 11. I have reviewed the [Proposed] Property Plan of Distribution. I
25 strongly support them, as I believe they represent an excellent and fair resolution of
26 this case, while also avoiding the delays and risks of additional litigation, trial, and
27 appeals.

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EXHIBIT 15

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9 *Class Counsel*

10 A. Barry Cappello (CSB No. 037835)
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11 CAPPELLO & NOËL LLP
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12 Santa Barbara, CA 93101-3227
Telephone: (805)564-2444
13 Facsimile: (805)965-5950

14 *Lead Trial Counsel*
15 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

19 KEITH ANDREWS, an individual, et
20 al.,

21 Plaintiffs,

22 v.

23 PLAINS ALL AMERICAN
24 PIPELINE, L.P., a Delaware limited
25 partnership, et al.,

26 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF JACQUES
HABRA IN SUPPORT OF FINAL
SETTLEMENT APPROVAL; PLANS
OF DISTRIBUTION; FEES,
EXPENSES, AND SERVICE AWARDS**

Date: September 16, 2022

Time: 1:30 p.m.

Judge: Hon. Philip S. Gutierrez

Courtroom: 6A

1 I, Jacques Habra, declare as follows:

2 1. I am a named Plaintiff in this action representing the Property Class.

3 2. I submit this Declaration in support of Plaintiffs' motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I own and reside at real property on Sea Ledge Lane, west of Hendry's
9 Beach, in Santa Barbara. I purchased the property in July of 2011. The property has
10 immediate beachfront access to the ocean, including areas to swim, surf, fish,
11 paddleboard, and kayak. Before the spill, I was able to enjoy the pristine natural
12 environment including, gatherings with friends, swimming in the ocean, as well as
13 walking and biking on the beach.

14 4. I voluntarily undertook the burdens and risks associated with this
15 lawsuit to seek compensation – for myself and others like me – for injuries
16 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
17 case entailed, among other things: having my name in a publicly-filed complaint;
18 ongoing engagement with my legal team; participating in discovery, including a
19 possible deposition; participating in a potential trial; and acting at all times in the
20 best interest of the class, including in any mediation or settlement. I believed that
21 without plaintiffs such as myself stepping forward to serve as class representatives,
22 Defendants would not compensate the people and businesses they harmed.

23 5. I have participated actively in this lawsuit since September of 2015. In
24 my role as a class representative, I have followed the status and progress of the case
25 and met with counsel in person or communicated with them by phone and e-mail to
26 stay informed, to discuss motion practice, amendments to the complaint, discovery
27 requests and responses, the district court's rulings, and litigation strategy, including
28

1 during the mediation and settlement negotiations. I will continue to do so during
2 this settlement approval process, as needed.

3 6. Among other tasks, I helped counsel draft the complaints by describing
4 to them my story and relevant facts and events. As part of that process, I reviewed
5 and provided counsel with documents and information.

6 7. In or about August 2016, I submitted a declaration in support of class
7 certification, further explaining my experiences with the Spill and confirming my
8 commitment to representing the interests of the Class.

9 8. I searched for, preserved, and provided to counsel any documents that
10 were pertinent to the case multiple times over multiple years, understanding that
11 Defendant would receive copies of documents to which they were entitled,
12 including private and financially sensitive documents. I also reviewed or discussed
13 with my counsel numerous other documents related to this case, including
14 documents shared in discovery, the proposed settlement, and the settlement
15 approval papers. I worked closely with counsel to respond to written discovery
16 requests as well.

17 9. I was deposed by Defendants. As part of that process, I took
18 substantial time out of my schedule to prepare and meet with counsel, attend the
19 deposition itself, and later review the transcript for errors.

20 10. I estimate that I have devoted 120 hours to this case, including by
21 working on the tasks described above.

22 11. I have reviewed the [Proposed] Property Plan of Distribution. I
23 strongly support them, as I believe they represent an excellent and fair resolution of
24 this case, while also avoiding the delays and risks of additional litigation, trial, and
25 appeals.

26 12. I have never been promised any compensation for performing my
27 duties as a plaintiff and class representative, including any service award, and I am
28 aware of no interest of mine in this litigation that conflicts with the interests of

1 other class members. I understand, however, that Class Counsel also believe that
2 the contributions I have made to this litigation justify a service award and intend to
3 request that the Court award me \$15,000 for my time and efforts on behalf of the
4 Class, which the Court may or may not approve at its discretion. I support my
5 lawyers' request that I receive a service award of \$15,000. I have worked hard on
6 this case over the last seven years.

7 I declare under penalty of perjury under the laws of the State of California
8 that the foregoing is true and correct.

9 Executed this 28 day of July in the City and County of Santa Barbara,
10 Central District California.

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12 By:  _____
13 Jacques Habra
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Plains Class Rep - Jacques Habra

Final Audit Report

2022-07-29

Created:	2022-07-29
By:	Andrew Dickerson (adickerson@cappellonoel.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2hsTz3fv9KZOwAkdwpGW98dK9FmsEz1j

"Plains Class Rep - Jacques Habra" History

 Document created by Andrew Dickerson (adickerson@cappellonoel.com)

2022-07-29 - 3:55:31 PM GMT

 Document emailed to jhabra@gmail.com for signature

2022-07-29 - 3:55:44 PM GMT

 Email viewed by jhabra@gmail.com

2022-07-29 - 3:57:08 PM GMT

 Signer jhabra@gmail.com entered name at signing as Jacques Habra

2022-07-29 - 3:57:38 PM GMT

 Document e-signed by Jacques Habra (jhabra@gmail.com)

Signature Date: 2022-07-29 - 3:57:40 PM GMT - Time Source: server

 Agreement completed.

2022-07-29 - 3:57:40 PM GMT

EXHIBIT 16

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9 *Class Counsel*

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13 Facsimile: (805)965-5950

14 *Lead Trial Counsel*
15 *(additional counsel listed at signature)*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

19 KEITH ANDREWS, an individual, et
20 al.,

21 Plaintiffs,

22 v.

23 PLAINS ALL AMERICAN
24 PIPELINE, L.P., a Delaware limited
25 partnership, et al.,

26 Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF MARY
KIRKHART IN SUPPORT OF FINAL
SETTLEMENT APPROVAL; PLANS
OF DISTRIBUTION; FEES,
EXPENSES, AND SERVICE AWARDS**

Date: September 16, 2022

Time: 1:30 p.m.

Judge: Hon. Philip S. Gutierrez

Courtroom: 6A

1 I, Mary Kirkhart, declare as follows:

2 1. I am a named Plaintiff in this action representing the Property Class.

3 2. I submit this Declaration in support of Plaintiffs' motions for final
4 approval of the Settlement; approval of the plans of distribution; and fees, expenses,
5 and class representative service awards. I have personal knowledge of the facts
6 stated herein. If called to testify to the contents of this declaration, I could and
7 would competently do so.

8 3. I, along with my husband Mark Kirkhart, lease real property in the
9 Miramar Beach neighborhood of Montecito, California. The property includes a
10 beach house that had been our primary residence from July 2014 to March 2017,
11 where we lived with our son. Before, the spill we would enjoy walking and using
12 the beachfront continually. The property has immediate beachfront access to the
13 ocean, including areas to swim, surf, fish, and kayak.

14 4. I voluntarily undertook the burdens and risks associated with this
15 lawsuit to seek compensation – for myself and others like me – for injuries
16 sustained from the 2015 Refugio Oil Spill. I understood that being a plaintiff in this
17 case entailed, among other things: having my name in a publicly-filed complaint;
18 ongoing engagement with my legal team; participating in discovery, including a
19 possible deposition; participating in a potential trial; and acting at all times in the
20 best interest of the class, including in any mediation or settlement. I believed that
21 without plaintiffs such as myself stepping forward to serve as class representatives,
22 Defendants would not compensate the people and businesses they harmed.

23 5. I have participated actively in this lawsuit since September of 2015. In
24 my role as a class representative, I have followed the status and progress of the case
25 and met with counsel in person or communicated with them by phone and e-mail to
26 stay informed, to discuss motion practice, amendments to the complaint, discovery
27 requests and responses, the district court's rulings, and litigation strategy, including
28

1 during the mediation and settlement negotiations. I will continue to do so during
2 this settlement approval process, as needed.

3 6. Among other tasks, I helped counsel draft the complaints by describing
4 to them my story and relevant facts and events. As part of that process, I reviewed
5 and provided counsel with documents and information and I reviewed the draft
6 complaint before it was filed.

7 7. In or about August 2016, I submitted a declaration in support of class
8 certification, further explaining my experiences with the Spill and confirming my
9 commitment to representing the interests of the Class.

10 8. I searched for, preserved, and provided to counsel any documents that
11 were pertinent to the case multiple times over multiple years, understanding that
12 Defendant would receive copies of documents to which they were entitled,
13 including private and financially sensitive documents. I also reviewed or discussed
14 with my counsel numerous other documents related to this case, including
15 documents shared in discovery, the proposed settlement, and the settlement
16 approval papers. I worked closely with counsel to respond to written discovery
17 requests as well.

18 9. I was deposed by Defendants. As part of that process, I took
19 substantial time out of my schedule to prepare and meet with counsel, attend the
20 deposition itself, and later review the transcript for errors.

21 10. I estimate that I have devoted hundreds of hours to this case, including
22 by working on the tasks described above.

23 11. I have reviewed the [Proposed] Property Plan of Distribution. I
24 strongly support them, as I believe they represent an excellent and fair resolution of
25 this case, while also avoiding the delays and risks of additional litigation, trial, and
26 appeals.

27 12. I have never been promised any compensation for performing my
28 duties as a plaintiff and class representative, including any service award, and I am

1 aware of no interest of mine in this litigation that conflicts with the interests of
2 other class members. I understand, however, that Class Counsel also believe that
3 the contributions I have made to this litigation justify a service award and intend to
4 request that the Court award me \$15,000 for my time and efforts on behalf of the
5 Class, which the Court may or may not approve at its discretion. I support my
6 lawyers' request that I receive a service award of \$15,000. I have worked hard on
7 this case over the last seven years.

8 I declare under penalty of perjury under the laws of the State of California
9 that the foregoing is true and correct.

10 Executed this 26th day of July, in Santa Barbara, County of Santa Barbara,
11 Central District California.

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13 By: Mary Kirkhart
14 Mary Kirkhart

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