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 11
 12 **UNITED STATES DISTRICT COURT FOR**
 13
 14 **THE NORTHERN DISTRICT OF CALIFORNIA**

15
 16 Allen Loretz, individually and on behalf
 of all others similarly situated,

17 Plaintiffs,

18 v.

19 Regal Stone, Ltd., Hanjin Shipping, Co.,
 20 Ltd., Synergy Maritime, Ltd., Fleet
 Management Ltd., and John Cota, *In*
 21 *Personam*; M/V Cosco Busan, their
 engines, tackle, equipment,
 22 appurtenances, freights, and cargo *In*
Rem,

23 Defendants.

Case No. C 07-5800 SC

**STIPULATION REGARDING
 ADDITIONAL NOTICE AND
 EXTENSION OF CLOSURE
 CLAIM DEADLINE TO SIXTEEN
 POTENTIAL DUNGENESS CRAB
 SETTLEMENT CLASS
 MEMBERS AND [PROPOSED]
 ORDER THEREON**

1 WHEREAS, on April 21, 2010 this Court issued an Order Granting
2 Preliminary Approval Of Settlement And Provisional Class Certification (Dckt. No.
3 207);

4 WHEREAS, unless otherwise defined herein, all defined terms used herein
5 shall have the meaning assigned to them in the Settlement Agreement that is
6 attached as Exhibit A to Plaintiffs Memorandum of Points and Authorities In
7 Support Of Motion for Preliminary Approval of Dungeness Crab Settlement (Dckt.
8 No. 199);

9 WHEREAS, on June 2, 2010, Class Notice of the Settlement was provided to
10 potential Dungeness Crab Settlement Class members pursuant to the Court's
11 April 21, 2010 Order;

12 WHEREAS, the Class Notice provided on June 2, 2010 included (1) direct
13 Class Notice to Dungeness Crab Skippers who had previously received payments
14 through the Dungeness Crab Closure Claims Process and who were not
15 Individually Settled Skippers; (2) direct Class Notice to individuals who had been
16 identified as potentially qualifying as Dungeness Crab Crewmembers; and (3)
17 widespread publication of Class Notice;

18 WHEREAS, on September 3, 2010 this Court issued its Final Order
19 Approving Class Action Settlement And Dismissing Class Action With Prejudice
20 (Dckt. No. 264);

21 WHEREAS, the Parties have recently determined that there are sixteen
22 (16) Dungeness Crab Skippers who submitted Dungeness Crab Closure Claims
23 prior to June 2, 2010 and whose Dungeness Crab Closure Claims were denied,
24 withdrawn or administratively closed¹ ("DWC Claimants") and whose contact
25

26 _____
27 ¹ Hudson Marine Services ("HMMS") "administratively closed" Dungeness Crab
28 Closure Claims, when despite its requests, HMMS was unable to obtain information
necessary to substantiate a claimant's claim.

1 information is in the possession of HMMS, the administrator of Dungeness Crab
2 Closure Claims Process;

3 WEREAS, by virtue of the Settlement, the deadline for Dungeness Crab
4 Settlement Class members for submitting Dungeness Crab Closure Claims was
5 extended from November 7, 2010 to January 1, 2011, and Dungeness Crab
6 Settlement Class Members were provided certain other consideration, including
7 the right to reimbursement of reasonable attorneys' fees incurred in pursuit of a
8 Dungeness Crab Closure Claims;

9 WHEREAS, the Settling Defendants have provided Class Counsel with a
10 sworn declarations from HMMS and Settling Defendants, stating that other than
11 the sixteen (16) DWC Claimants, the five (5) Dungeness Crab Skippers whose
12 Dungeness Crab Closure Claims were dormant as of June 2, 2010 and are
13 currently pending or were recently resolved and who were referenced in Julie
14 Taylor's November 9, 2010 Supplemental Declaration (Dckt. No. 285) (the
15 "Pending Claimants"), and the Dungeness Crab Skippers to whom direct Class
16 Notice has already been sent, neither Settling Defendants, HMMS, nor any agent
17 or affiliate of HMMS or Settling Defendants, has the contact information of any
18 other Person who has contacted HMMS or any agent or affiliate of HMMS or
19 Settling Defendants, in regards to submitting a Dungeness Crab Closure Claim;

20 WHEREAS, the Parties believe that the sixteen (16) DWC Claimants
21 received sufficient Class Notice through publication, but out of an abundance of
22 caution and in light, in particular, of the modification of the deadline for
23 submitting Dungeness Crab Closure Claims effected by the Settlement, wish to
24 provide the sixteen (16) DWC Claimants with direct Class Notice and an extension
25 of time to re-open their Dungeness Crab Closure Claims from January 1, 2011 to
26 February 15, 2011.

1 NOW, WHEREFORE, the Parties stipulate and seek an Order from this
2 Court directing:

- 3
- 4 1. Any Pending Claimant whose claim has been resolved and who is
5 dissatisfied with such resolution shall have the right to reopen his,
6 her, or its Dungeness Crab Closure Claim by January 1, 2011;
- 7 2. That the five (5) Pending Claimants shall be sent a letter by Class
8 Counsel that informs them of the rights and benefits to which they
9 may be entitled under the Settlement, provides them with contact
10 information of the Claims Administrator and Class Counsel, and
11 encloses a copy of the Class Notice and Dungeness Crab Skipper
12 Claims Form and instructions.
- 13 3. That, for the sixteen (16) DWC Claimants only, the Dungeness Crab
14 Closure Claim deadline shall be extended to February 15, 2011;
- 15 4. That the sixteen (16) DWC Claimants shall be provided with direct
16 Class Notice of the Settlement, which will include notification that
17 the deadline for these sixteen (16) DWC Claimants to re-open their
18 Dungeness Crab Closure Claims has been extended from January 1,
19 2011 to February 15, 2011;
- 20 5. Class Counsel shall have the opportunity to file by November 19, 2010
21 a Supplemental Declaration, to supplement the Declaration that Class
22 Counsel filed on October 30 (Dckt. No. 283) in response to the Court's
23 Order of October 22, 2010 (Dckt. No. 281); and
- 24 6. Settling Defendants' Counsel shall have the opportunity to file a
25 responsive Declaration by November 30, 2010.
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