

*Order Resetting Hearing on C10.4  
Page 1 of 3*

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NO.: 91-0986-CIV-GOLD/SIMONTON  
SPECIAL MASTER THOMAS E. SCOTT**

ALLAPATTAH SERVICES, INC., et al., )  
)  
Plaintiffs, )  
)  
v. )  
)  
EXXON CORPORATION, )  
)  
Defendant. )  
\_\_\_\_\_ )

RUSSELL A. CLINE, )  
)  
Plaintiff, )  
)  
vs. )  
)  
THE GARDEN CITY GROUP, INC., )  
)  
Defendant. )  
\_\_\_\_\_ )

**CONSOLIDATED WITH  
CASE NO.: 05-21338-CIV-GOLD /  
SIMONTON**

**ORDER RESETTING HEARING ON CONFLICTING CLAIMANT DISPUTE C10.4**

THIS CAUSE is before the Special Master pursuant Class Counsel's Tenth Motion for Adjudication of Conflicting Claims (Motion C10) [D.E. 4909], and specifically C10.4. On October 8, 2008, the undersigned held evidentiary hearings on various other C10 disputes. C10.4 was likewise scheduled for hearing on that date; however, on Monday, October 6, 2008, counsel for claimant, Verc Enterprises, Inc., requested a continuance of the hearing. The undersigned granted the request for a continuance by order dated October 6, 2008 [D.E. 5321].

After entering this order, the undersigned received correspondence from counsel for claimant Gary Bourne advising that counsel who requested the continuance failed to copy him on her request to the undersigned. Attached hereto as Exhibit "A" is a copy of correspondence dated October 7, 2008 from Michael Levison, Esq., counsel for Gary Bourne. In this correspondence, Mr. Levison requests that the hearing be reset as soon as possible, as well as some additional requests for "relief." Having reviewed the Court file, the submissions of counsel, and being otherwise fully advised in the premises, it is hereby,

**ORDERED and ADJUDGED** as follows:

1. The Special Master will adjudicate the unresolved claimant dispute in Motion C10.4 on **Friday, October 17, 2008 beginning at 9:30 a.m. EST** at the Office of the Special Master. A court reporter has been requested. Should the claimants and/or their counsel wish to attend the hearing by telephone, the following call-in information should be used:

Number: 1-866-590-1534  
Participant Code: 49793427#

2. Claimant Gary Bourne's request, that Verc Enterprises, Inc. (and/or its counsel) must produce copies of any documents Verc Enterprises, Inc. (and/or its counsel) receives, or has received, from Exxon (or otherwise), which such documents relate to the Exxon/Bourne Mutual Termination, is hereby **GRANTED**. These documents, if any, must be provided (i.e., delivered—whether by email, fax, courier, or otherwise) to counsel for Mr. Bourne by no later than Monday, October 13, 2008 by 5:00 p.m. A

courtesy copy should also be submitted to the Office of the Special Master for consideration at the October 17, 2008 hearing.

3. All other requests for "relief" set forth in Mr. Levison's October 7, 2008 letter (Exhibit A) are **DENIED**, without prejudice. Mr. Levison may renew any objections or requests he may have at the hearing on October 17, 2008, at which time the undersigned will reconsider them based upon the evidence and arguments advanced at that time.

**DONE and ORDERED** in Miami, Florida this 9 day of October 2008.



SPECIAL MASTER THOMAS E. SCOTT

Copies furnished to:  
United States District Court Judge Alan S. Gold  
All counsel of record

Michael H. Levison, Esq. (via fax: 212-916-2940)

Michelle Tessier, Esq. & Christopher Kenney, Esq. (via fax: 508-665-4298)