

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE 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 REGARDING NON-RESPONSIVE
CLAIMANTS INCLUDED IN NOTICE N14**

This cause is before the Special Master pursuant to Class counsel’s Notice of Filing Fourteenth List of Non-Responsive Claimants [D.E. 5429], two prior Orders to Show Cause entered by the Special Master [D.E. 5238 and 5239], and Class counsel’s Response to Orders to Show Cause on Behalf of Certain N14 Claimants [D.E. 5481].

On June 25, 2008, the Special Master issued his Amended Sua Sponte Order on Non-Responsive Claimants [D.E. 5086]. Pursuant to that Order and the prior Order [D.E. 3997], the Special Master required Class counsel to periodically provide the Court with a list of claimants who have been continually non-responsive to Class counsel’s efforts to process

process their respective claims. After reviewing Class counsel's thirteenth list of non-responsive claimants (N14), the Special Master entered two (2) Orders to Show Cause requiring these non-responsive claimants to demonstrate why their respective claims should not be dismissed without prejudice for failing to cooperate with Class counsel and failing to substantiate an interest in a direct-served Exxon station during the Class Period. Class counsel has now filed a Response on behalf of two (2) claimants and two (2) claims. Accordingly, having reviewed the Court file and being otherwise fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED as follows:

1. The Special Master has reviewed the Response filed by Class counsel advising that Claim 4374 was withdrawn, and that claimant Michael J. Triaga (Claim No. 100522C) failed to file a response to the *Order to Show Cause Against Claimant Michael J. Triaga, Claim No. 100522C* (D.E. 5430).
2. The Special Master also agrees with Class counsel's position that the claims of non-responsive, non-conflicting claimants should be dismissed without prejudice so as to allow these claimants an opportunity to seek a recovery against their respective State governments pursuant to the particular State's unclaimed property laws after the Court-supervised claims administrative process is completed. See D.E. 5429. Accordingly, the claim of Michael J. Triaga (Claim No. 100522C) is hereby dismissed without prejudice.
3. The Garden City Group, Inc. is hereby ordered to make the appropriate updates to these claim files and shall distribute the Special Master's Order to

the above referenced claimants.

DONE AND ORDERED at Miami, Florida this 8 day of December, 2008.



SPECIAL MASTER THOMAS E. SCOTT

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