

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 SETTING BRIEFING SCHEDULE ON ISSUE OF
PROPER DISPOSITION OF THE PARTIALLY FORFEITED
FEES OF GERALD M. BOWEN AND FORFEITED INCENTIVE AWARD OF
WILLIAM MCGILLICUDDY, REFERRED TO THE SPECIAL MASTER**

THIS CAUSE is before the Special Master upon the District Court’s Order of Reference to the Special Master, as contained within the Court’s *Omnibus Order Regarding Distribution of the 5 Percent Reserve and Interest [D.E. 5541]*, specifically relating to the “issue of the proper disposition of the partially forfeited fees of Gerald M. Bowen and William McGillicuddy,” as requested by States’ Counsel in the *Motion Relating to Special Master’s Report and Recommendation for the Court to Issue a Clarification of the Disposition of Forfeited Funds, and Agreed Request to Set a Briefing*

Schedule [D.E. 5507]. Having reviewed the Order and relevant parts of the record, and being otherwise fully advised, it is hereby,

ORDERED AND ADJUDGED as follows:

1. States' Counsel and any other interested party shall file, by **Friday, March 13, 2009**, their respective position papers with regard to the proper disposition of the partially forfeited Bowen Fee Award and the forfeited incentive Award of William McGillicuddy, in accordance with the District Court's July 6, 2006 *Order on Petitions for an Award of Attorneys' Fees, Costs, and Reimbursable Expenses and for Incentive Awards to Named Plaintiffs [D.E. 2997]*.¹
2. On **Monday, March 30, 2009 beginning at 9:00 a.m. (EST)** the undersigned will hold a hearing on the issue of the proper disposition of the partially forfeited fee award of Gerald M. Bowen and the Law Offices of Gerald M. Bowen, and the forfeited incentive award of William McGillicuddy. The hearing will take place at the Office of the Special Master located at Cole, Scott & Kissane, P.A., 9150 S. Dadeland Blvd., Suite 1400, Miami, Florida 33156. A court reporter has been requested. Participants are permitted to telephonically participate in the hearings.

¹ Class Counsel is also permitted to file a position paper, though they are not required to do so. It is further noted that on December 30, 2008 States' Counsel filed its *Position Paper Regarding the Distribution of the Forfeited Funds [D.E. 5532]*; however, States' Counsel is permitted to submit an additional memorandum if desired.

The following call-in information should be used:

Number: 1-866-590-1534

Participant Code: 24576991#

3. Following the hearing, the undersigned will issue a Report and Recommendation to the District Court.

DONE AND ORDERED at Miami, Florida this 24 day of February 2009.



SPECIAL MASTER THOMAS E. SCOTT

Copies furnished to:

All counsel of record
Garden City Group
U.S. District Judge Alan S. Gold