

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 SETTING HEARING ON THE FIVE PERCENT  
RESERVE, DISPOSITION OF THE FORFEITED FEES  
AND INCENTIVE AWARD, AND RELATED ISSUES**

THIS CAUSE is before the Special Master upon the Plaintiffs' *Motion for Authorization to Distribute 5 Percent Reserve and Interest [D.E. 5613]*; the District Court's *Order of Reference to the Special Master [D.E. 5622]*; States' Counsel's *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]*; States' Counsel's *Position Paper Regarding the Distribution of the Forfeited Funds [D.E. 5532]*; *Omnibus Order Regarding Distribution of the 5*

*Percent Reserve and Interest [D.E. 5541]; Class Counsel's Position Paper Regarding the Disposition of Forfeited Fees and Award on March 12, 2009 [D.E. 5634]; States' Counsel's Supplemental Position Paper Regarding the Distribution of the Forfeited Funds [D.E. 5641]; Allied Esquire Group, Inc.'s Memorandum Regarding Disposition of Partially Forfeited Fees Award of Bowen and Forfeited Incentive Award of William McGillicuddy [D.E. 5639]; States' Counsel's Response to Allied Esquire Group's Memorandum Regarding Disposition of Partially Forfeited Fee Award of Bowen and Forfeited Incentive Award of William McGillicuddy [D.E. 5655]; and, States' Counsel's Response to Order Regarding Plaintiffs' Motion for Authorization to Distribute Five Percent Reserve and Interest and Regarding the Issue of the Proper Disposition of the Partially Forfeited Attorneys' Fees and Forfeited Incentive Award [D.E. 5705]; the undersigned's Order Regarding Request for Position Papers Regarding the Five Percent Reserve and Related Issues [D.E. 5734] ("Order Requesting Position Papers"); Class Counsel's Position Paper Regarding the Five Percent Reserve [D.E. 5741]; Response to Special Master's June 23, 2009 "Order Regarding Request For Position Papers Regarding the 5% Reserve and Related Issues" [D.E. 5751].*

Having now received both Class Counsel's and States' Counsel's respective position papers by July 23, 2009, and indicated in the undersigned's *Order Requesting Position Papers*, it is hereby,

**ORDERED and ADJUDGED** as follows:

1. A hearing will be held on **Tuesday August 11, 2009** beginning at 2:00 p.m. (EST) to resolve the issues raised in the *Order Requesting Position Papers*, and addressed in both Class Counsel's and States' Counsel's Position Papers [D.E. 5741 and

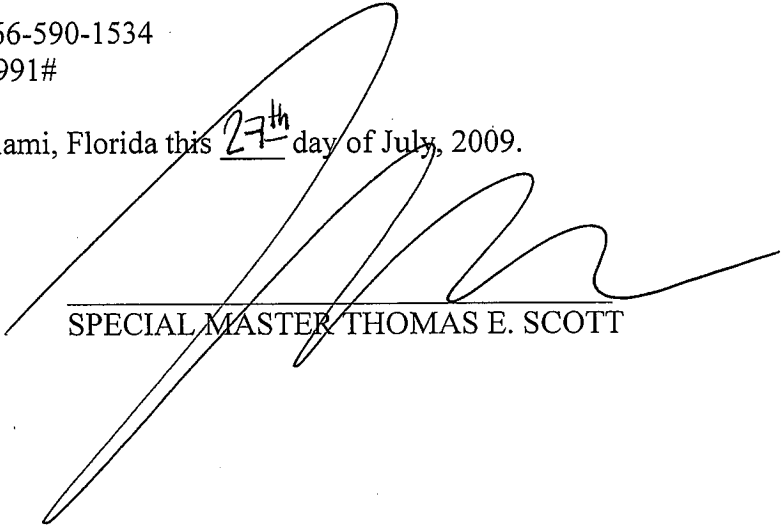
5751], including the following:

- a. Whether the fund bears an obligation to pay a 2% Reduction amount to the States for the benefit of all non-filing dealers, prior to payment of the 5% Reserve and Interest; and,
- b. Whether the forfeited fees and incentive award (forfeited per the District Court's July 6, 2006 Order) should be distributed to the States or the participating Class Members, and in light of the District Court's July 6, 2006 Order.

2. All interested parties and claimants are allowed to attend this hearing by telephone should they wish to do so. The call-in information is as follows:<sup>1</sup>

Telephone Number: 1-866-590-1534  
Participant Code: 24576991#

**DONE AND ORDERED** in Miami, Florida this 27<sup>th</sup> day of July, 2009.



SPECIAL MASTER THOMAS E. SCOTT

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

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<sup>1</sup> If there are any claimants or parties who wish to call from outside the U.S., they must contact the Special Master's office by no later than August 21, 2009 so that proper call-in information can be provided for access from the particular country from which they will be calling.