

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.)

RUSSEL A. CLINE,)
)
 Plaintiff,)
)
 v.)
)
 THE GARDEN CITY GROUP, INC.,)
)
 Defendant.)

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

**ORDER REGARDING CLASS COUNSEL'S NOTICE
OF FAILURE TO SEEK PAYMENT OF 5% RESERVE**

THIS CAUSE is before the Special Master pursuant to Class Counsel's *Notice of Failure to Seek Payment of 5% Reserve* [D.E. 6039]. On November 26, 2008, the Special Master issued the *Report and Recommendation on Procedure for Distribution of the 5% (Percent) Reserve and Interest* [D.E. 5467] and the District Court adopted the same on January 7, 2009 pursuant to the Court's *Omnibus Order Regarding the Distribution of the 5 Percent Reserve and Interest* [D.E. 5541] (collectively, the "Approved Procedures").

Pursuant to the Approved Procedures, Class Counsel was ordered to identify all non-responsive claimants (with respect to the pending Notice of Failure, such claimants would be

those who have failed to return Payment Instructions) as part of the 5% Reserve procedural process.

On May 6, 2010, Class Counsel filed the *Notice of Failure to Seek Payment of 5% Reserve* indentifying twenty-nine (29) non-responsive claimants who failed to submit the necessary payment instructions within the 60-day deadline as required by the Approved Procedures.

As set forth in the Approved Procedures, the non-responsive claimants will be dismissed *without prejudice* and those claimants will not be allowed to participate in the 5% Reserve payments as part of this Claims Administration Process. Rather, these non-responsive claimants will need to seek payment from their respective, applicable States once the funds are passed to the States at the end of this Claims Administration Process. The 5% Reserve (and interest) funds for these non-responsive claimants will be specifically earmarked (not *pro rata*) in their individual names.

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 Class Counsel's *Notice of Failure to Seek Payment of 5% Reserve* and the Approved Procedures. Based upon the same, the following 5% Reserve claims are hereby dismissed without prejudice:

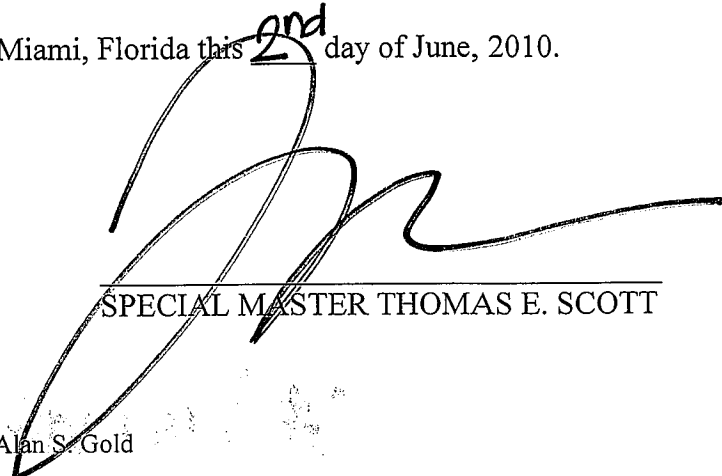
a.	Claim No. 4847	-	Tops Petroleum Corporation
b.	Claim No. 103261	-	James T. McNeely
c.	Claim No. 103714	-	Michael J. Solimando, Jr.
d.	Claim No. 3858	-	Joe C. Arredondo
e.	Claim No. 101713	-	Evelyn Beisser
f.	Claim No. 102972	-	The Estate of Guillermo E. Cano
g.	Claim No. 104230	-	H&N, Inc.
h.	Claim No. 4451	-	Joseph Endari

i.	Claim No. 2973	-	Jeffrey T. Guiney
j.	Claim No. 4821	-	John's Exxon Service Center, Inc.
k.	Claim No. 101604	-	Winford Huffstutler
l.	Claim No. 1001921	-	Joseph G. Nimey
m.	Claim No. 1006734	-	Marvin Bailey
n.	Claim No. 1021302	-	Mohamed A. Muwalla
o.	Claim No. 55101713	-	Elbee Auto Service, Inc.
p.	Claim No. 551021302	-	Mohamed A. Muwalla
q.	Claim No. 100725	-	Heizer Industries, Inc.
r.	Claim No. 105532	-	Anton E. Zeit
s.	Claim No. 1033444	-	EAM, Inc.
t.	Claim No. 554193	-	Lisa Global Enterprises, Inc.
u.	Claim No. 1032832	-	Donald F. Fisher
v.	Claim No. 4917	-	Luis Incorporated
w.	Claim No. 1004362	-	Paul H. Brown
x.	Claim No. 102117	-	Michael J. Folk
y.	Claim No. 4820	-	Raymond Capitanelli
z.	Claim No. 100916	-	Raymond G. Carley
aa.	Claim No. 55100916	-	Eden L. Costley
bb.	Claim No. 1005999	-	Abelardo G. Rodriquez
cc.	Claim No. 4242	-	Muzi Motors, Inc.

2. The above-identified claimants are foreclosed from receiving their 5% Reserve (and interest) payments as part of this Claims Administration Process. However, these claimants are entitled to seek payment from their respective, applicable States at the end of this Claims Administration Process once the funds are transmitted to the States.
3. The Garden City Group, Inc. is hereby ordered to make the appropriate updates to the above-identified claim files and shall distribute the Special Master's Order to the affected claimants.
4. Pursuant to the Approved Procedures, The Garden City Group, Inc. and States' Counsel are ordered to take all necessary actions required to ensure that the 5% Reserve and interest payments for the above-identified claimants are specifically

earmarked for those claimants, in preparation for the transfer of these funds to the various, applicable States at the end of the Claims Administration Process.

DONE AND ORDERED at Miami, Florida this ^{2nd} day of June, 2010.



SPECIAL MASTER THOMAS E. SCOTT

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