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*Interim Co-Lead Counsel for Plaintiffs and the Proposed Classes*

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16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**  
18 **SOUTHERN DIVISION**  
19

20 PETER MOSES GUTIERREZ, JR.,  
21 *et al.*,

22 Plaintiffs,

23 v.

24 AMPLIFY ENERGY CORP., *et al.*,

25 Defendants.

Case No. 8:21-CV-01628-DOC(JDEx)

**NOTICE OF MOTION AND  
MOTION FOR APPROVAL OF  
PLAINTIFFS' PLANS OF  
DISTRIBUTION**

Date: September 14, 2023  
Time: 8:30 a.m.  
Judge: David O. Carter  
Room: 10A

1 TO ALL THE PARTIES AND TO THEIR COUNSEL OF RECORD:  
 2 PLEASE TAKE NOTICE that on September 14, 2023, at 8:30 a.m., or as  
 3 soon thereafter as the matter may be heard by the Honorable David O. Carter in  
 4 Courtroom 6A of the above-entitled court, located at 411 West Fourth Street, Santa  
 5 Ana, CA 92701, Plaintiffs will and hereby do move the Court, pursuant to Rule 23  
 6 of the Federal Rules of Civil Procedure, for an Order approving the Plan of  
 7 Distribution for the Fisher Class (Dkt. 752-1) the Plan of Distribution for the  
 8 Property Class (Dkt. 752-2), and the Plan of Distribution for the Waterfront  
 9 Tourism Class (Dkt. 752-3). This motion is based on the attached supporting  
 10 memorandum; the pleadings, papers, and records on file in this action, including  
 11 those submitted in support of Plaintiffs’ Motion for Preliminary Approval (Dkt.  
 12 739) and concurrently filed Motion for Final Approval; any further papers filed in  
 13 support of this motion; and arguments of counsel.

14 Dated: July 31, 2023

Respectfully submitted,

15 /s/ Lexi J. Hazam

16 Lexi J. Hazam

17 /s/ Wylie A. Aitken

18 Wylie A. Aitken

19 /s/ Stephen G. Larson

20 Stephen G. Larson

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22 v.

23 **AMPLIFY ENERGY CORP., et al.,**

24 Defendants.  
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Case No. 8:21-CV-01628-DOC(JDEx)

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION FOR APPROVAL OF  
PLAINTIFFS' PLANS OF  
DISTRIBUTION**

Date: September 14, 2023  
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1 **I. INTRODUCTION**

2 Plaintiffs have reached a proposed Settlement that provides \$34 million to  
3 the Fisher Class, \$9 million to the Property Class, and \$7 million to Waterfront  
4 Tourism Class. *See* Dkt. 739-2 (“Settlement”), Ex. 1. Pursuant to the Court’s  
5 Preliminary Approval Order (Dkt. 751 ¶ 26), Plaintiffs filed their Plans of  
6 Distribution for each Class on June 26, 2023 (Dkt. 752), and now file this motion  
7 for approval of each of those Plans. Capitalized terms here have the meanings given  
8 to them in the Plans or, if not defined there, in the Settlement.

9 Plaintiffs’ proposed Plans of Distribution for the Fisher Class Property Class,  
10 and the Waterfront Tourism Class should each be approved as fair, adequate, and  
11 reasonable. They establish a straightforward process for compensating class  
12 members—including issuing checks directly to the members of the Fisher Class, the  
13 Property Class, and the Waterfront Tourism Class—anchored in Plaintiffs’ experts’  
14 classwide damages models. The Plans distribute funds based principally on the  
15 claimants’ fractional shares of the total losses, and they treat Class members  
16 equitably relative to one another.

17 **II. ARGUMENT**

18 As part of its review of a proposed settlement, the trial court should consider  
19 “the effectiveness of any proposed method of distributing relief to the class,  
20 including the method of processing class-member claims.” Fed. R. Civ. P.  
21 23(e)(2)(C)(ii). “A claims processing method should deter or defeat unjustified  
22 claims, but the court should be alert to whether the claims process is unduly  
23 demanding.” Fed. R. Civ. P. 23(e), 2018 adv. comm. note. The goal is for  
24 settlement funds to be distributed “in as simple and expedient a manner as  
25 possible.” *Hilsley v. Ocean Spray Cranberries, Inc.*, 2020 WL 520616, at \*7 (S.D.  
26 Cal. Jan. 31, 2020) (quoting 4 William B. Rubenstein, *Newberg on Class Actions*  
27 § 13:53 (5th ed. Dec. 2021 update)).

28 Likewise, Rule 23(e)(2)(D) asks whether “the proposal [for distribution

1 among class members] treats class members equitably relative to each other.”  
2 Relevant considerations may include “whether the apportionment of relief among  
3 class members takes appropriate account of differences among their claims, and  
4 whether the scope of the release may affect class members in different ways that  
5 bear on the apportionment of relief.” Fed. R. Civ. P. 23(e)(2), 2018 adv. comm.  
6 note.

7 Fundamentally, “[a]ssessment of a plan of allocation of settlement proceeds  
8 in a class action under Fed. R. Civ. P. 23 is governed by the same standards of  
9 review applicable to the settlement as a whole – the plan must be fair, reasonable,  
10 and adequate.” *In re Illumina, Inc. Sec. Litig.*, 2021 WL 1017295, at \*4 (S.D. Cal.  
11 Mar. 17, 2021) (citing *Class Plaintiffs v. City of Seattle*, 955 F.2d 1268, 1284–85  
12 (9th Cir. 1992)). The plan “need only have a reasonable, rational basis, particularly  
13 if recommended by experienced and competent class counsel.” *Jenson v. First Tr.*  
14 *Corp.*, 2008 WL 11338161, at \*9 (C.D. Cal. June 9, 2008) (citation omitted); *see*  
15 *also In re Lithium Ion Batteries Antitrust Litig.*, 2020 WL 7264559, at \*12 (N.D.  
16 Cal. Dec. 10, 2020).

17 This Court approved substantially similar Plans of Distribution in the  
18 settlement with the Amplify defendants. *See* Dkt. 727 (order approving Amplify  
19 Plans of Distribution); Dkt. 739-3 (Tr. of Apr. 24, 2023 Hr’g at 4:10-7:1)  
20 (describing Amplify Plans of Distribution as “extraordinarily well-thought-out”).  
21 No class members there—the exact same Class Members here—objected to the  
22 Amplify Plans of Distribution. *Id.* at 3.

23 The two differences between the Plans of Distribution here and those  
24 approved in the Amplify settlement both benefit Class Members: (a) no payments  
25 will be offset by prior payments received under the Oil Pollution Act, and (b) no  
26 Waterfront Tourism Class Members will need to submit claims to receive  
27 payments. *See* Dkt. 752-3 (proposed Plan of Distribution for Waterfront Tourism  
28 Class). The calculation of awards for each Class Member will match the

1 methodologies approved in the Amplify settlement, *see id.*, with the exception of  
2 the Waterfront Tourism Class Members who previously had to file claims. Each  
3 identifiable Waterfront Tourism Class Member in business categories that had to  
4 file claims in Amplify will receive checks for equal portions of the damages  
5 allocated to their business category, without having to take action. *See id.* at ¶ 37.

6 **A. The Plans reasonably identify Class Members and issue payments**  
7 **directly by mailed check.**

8 For all three Classes, the Plans provide relief simply, fairly, and quickly. The  
9 Settlement Administrator will mail checks directly to all identified Fisher, Property,  
10 and Waterfront Tourism Class Members who do not opt out. There will be no  
11 claims process, and identifiable Class Members will not need to take any action  
12 receive a check.

13 For the Fisher Class, the Settlement Administrator has utilized California  
14 Department of Fish and Wildlife (“CDFW”) Landing Records previously obtained  
15 by Class Counsel to identify Fisher Class members, and to establish each Fisher  
16 Class Member’s pro rata share of the Settlement, based upon their fishing activity  
17 before and after the Spill. Dkt. *See* 752-1 (Proposed Plan of Distribution for the  
18 Fisher Class), ¶ 30. The Settlement Administrator will mail a check for that amount  
19 to each Fisher Class Member.

20 Likewise, each Property Class Member will be issued a check directly. The  
21 Settlement Administrator has obtained real property records to identify all real  
22 properties in the class definition. Dkt. 752-2 (Proposed Plan of Distribution for the  
23 Real Property Class), ¶ 23. Each property will be allocated the same share of the  
24 settlement’s value, but their recovery may differ if the same property was owned by  
25 multiple owners during the class period, in which case each such owner will receive  
26 a partial share of the allocation for that property. *Id.* ¶¶ 12, 15, 26.

27 Unlike in the Amplify settlement, where some Waterfront Tourism Class  
28 Members had to file claims, all identified Waterfront Tourism Class Members will



1 be mailed a check directly pursuant to the Plan of Distribution in this Settlement.  
2 The Settlement Administrator has used records and information previously obtained  
3 by Class Counsel and the Settlement Administrator, as well as information gathered  
4 related to the separate settlement with the Amplify defendants, to identify  
5 Waterfront Tourism Class Members. Dkt. 752-3 (Proposed Plan of Distribution for  
6 the Waterfront Tourism Class), ¶¶ 24, 27. As detailed below, Waterfront Tourism  
7 Class Members in certain business categories will receive pro rata shares of  
8 estimated lost profits for their business category. Waterfront Tourism Class  
9 Members in other business categories will receive equal shares of the estimated lost  
10 profits for their business category.

11 Any Class Members not identified through the methods above may contact  
12 the Settlement Administrator to have their eligibility determined. If deemed by the  
13 Settlement Administrator to be a Class Member based on the Class definitions, that  
14 Class Member will be issued a check. *See* Dkt. 752-1 ¶ 39; Dkt. 752-2 ¶ 28; Dkt.  
15 752-3 ¶ 26.

16 **B. The Fisher Class Plan of Distribution is fair, reasonable, and**  
17 **adequate.**

18 The Fisher Class is composed of fishers operating in the CDFW fishing  
19 blocks that Plaintiffs allege were oiled by the Spill, and fish processors who re-sold  
20 fish from those blocks. Dkt. 752-1 ¶ 16. At trial, Plaintiffs intended to prove  
21 classwide damages through their expert Dr. Peter Rupert’s difference-in-differences  
22 model that calculated the lost catch due to the Spill, from which Dr. Rupert then  
23 calculated lost profits. Following a favorable verdict, allocation of classwide  
24 damages would follow and be guided principally by the detailed CDFW landings  
25 data. *Id.* at 16. This was exactly the same methodology, developed by the same  
26 expert, in the Refugio Oil Spill litigation. *Andrews et al v. Plains et al*, 15-CV-  
27 04113, Dkt. 951-1 (Proposed Plan of Distribution for Fisher Class) ¶ 61 (C.D. Cal.  
28 June 27, 2022). This Plan is based on the similar plans developed for and approved

1 in the *Plains* litigation and the Amplify settlement approved by this Court. *See* Dkt.  
2 727.

3 As in *Plains*, the Plan of Distribution for the Fisher Class is appropriately  
4 anchored in this methodology. First, the Fisher Net Settlement Amount is divided  
5 between Fishers and Processors based on Dr. Rupert’s analysis of how profits  
6 derived from gross catch are generally distributed in the fishing industry. Dkt. 752-  
7 1 ¶¶ 35-36. Dr. Rupert’s analysis determined that the Processor Share should be  
8 10% of the Fisher Net Settlement Amount. After allocating to Processors, the  
9 remainder of the Fisher Net Settlement Amount will be allocated to Fishers and  
10 Vessels, also pursuant to Dr. Rupert’s analysis. *Id.*. Again, using the industry  
11 guidelines identified by Dr. Rupert, after the 10% Processor Share the proportional  
12 division of revenue between Vessels and individual Fishers is 80%/20% with the  
13 larger share to Vessels. *Id.*

14 *Second*, each entity or individual’s pro-rata share of the Processor Share,  
15 Vessel Share, and/or Fisher Share is calculated by taking the Processor, Vessel, or  
16 Fisher’s average annual proportional share of the catch in comparison to other  
17 individuals or entities in that category. *Id.* ¶ 37. In sum, calculating individualized  
18 payment amounts for the Fisher Class is economically and administratively feasible  
19 without claims forms in this case because of the CDFW data.

20 Courts have consistently found that a plan of distribution that awards  
21 fractional shares is fair, reasonable and adequate. *See, e.g., In re High-Tech Emp.*  
22 *Antitrust Litig.*, 2015 WL 5159441, at \*8 (N.D. Cal. Sept. 2, 2015) (finding a plan  
23 of distribution that provided each class member with a “fractional share” based on  
24 each class member’s total base salary received during the alleged conspiracy period  
25 to be “cost-effective, simple, and fundamentally fair”) (citation omitted); *In re Elec.*  
26 *Carbon Prods. Antitrust Litig.*, 447 F. Supp.2d 389, 404 (D.N.J. 2006) (finding a  
27 pro rata distribution to claimants based on their direct purchases to be “eminently  
28 reasonable and fair to the class members”).

1 The Settlement Administrator is still calculating payment amounts, but based  
2 on currently available information Interim Settlement Class Counsel estimates that  
3 the average Fisher Class Member payment could be in the five figures. The specific  
4 amount per Fisher Class Member will vary considerably based on the percentage of  
5 fish catch.

6 **C. The Property Class Plan of Distribution is fair, reasonable, and**  
7 **adequate.**

8 The Property Class is comprised of residential properties that front shoreline,  
9 including harbors, that was allegedly oiled and/or closed. Plaintiffs allege that all  
10 Property Class Members suffered a nuisance as a result of this oiling.

11 Each property within the Property Class definition will be assigned an equal  
12 Distribution Share from the Property Class Settlement Fund (net after fees, costs,  
13 and service awards). As in *Plains*, no Property Class Member will have to prove  
14 they had oil on their property. But unlike in *Plains*, Property Class Members will  
15 not have to file claims—all identified Property Class Members who do not opt out  
16 will be sent a check.

17 The proposed equal distribution to Property Class Members is reasonable,  
18 efficient, and equitable. Setting aside oiling or other physical trespass on individual  
19 Class Members' properties, all Property Class Members are similarly situated with  
20 regard to the impact of harbor and beach closures, which affected all similarly and  
21 has no single centralized data source like the CDFW from which to determine each  
22 member's proportional share of the aggregate damage. An equal distribution—  
23 without claims required—is simpler than the variable property class distribution in  
24 *Plains*, which required significant expert costs to calculate the proportional loss of  
25 use value of each property and administrative costs to administer a claims process.  
26 *See Plains*, Dkt. 951-2 (June 27, 2022) (Proposed Plan of Distribution for Property  
27 Class). For the Property Class in this case, such expensive calculation and  
28 administration processes would be a larger proportion of a smaller fund, reducing

1 the payments available to all Class Members.

2 Courts regularly approve settlements distributing equal payments from a  
3 common fund. *See, e.g., Koenig v. Lime Crime, Inc.*, No. CV 16-503 PSG, 2018  
4 WL 11358228, at \*4 (C.D. Cal. Apr. 2, 2018) (approving payment of equal shares  
5 for portion of settlement); *S. California Gas Leak Cases*, No. BC601844, (Cal.  
6 Super. Ct. April 29, 2022) (granting final approval to settlement distributing \$40  
7 million fund equally to class of property owners affected by gas leak).<sup>1</sup>

8 Class Counsel currently estimates that payments for each property in the  
9 Property Class could be approximately \$600 per property, though this could change  
10 depending on administrative costs and Court-awarded fees, costs, and service  
11 awards.

12 **D. The Waterfront Tourism Class Plan of Distribution is fair,**  
13 **reasonable, and adequate.**

14 Class Counsel identified ten categories of businesses in the Waterfront  
15 Tourism Class. *See* Dkt. 621-3. They are (1) marina or “landing” operations  
16 servicing fishing and sightseeing vessels, (2) whale and/or dolphin watch vessels  
17 and sunset cruise vessels, (3) vessels providing sportfishing operations (with more  
18 than 6 passengers and requiring a Coast Guard Certification of Inspection), (4)  
19 “sixpack” fishing vessels offering charters for 6 or fewer anglers, (5) bait and tackle  
20 shops, (6) surf schools, (7) leisure boat rentals/charters, (8) hotel and lodging  
21 accommodations, (9) food and beverage establishments, and (10) retail  
22 establishments within the class definition. *See* Dkt. 752-3 (Proposed Waterfront  
23 Tourism Plan), ¶ 29. The total estimated lost profits of each Waterfront Tourism  
24 Business category during the Damages Period was calculated by examining

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25  
26 <sup>1</sup> Mot. at 3, *S. California Gas Leak Cases*, No. BC601844, (Cal. Super. Ct. Mar.  
27 28, 2022) (available at  
28 <https://www.porterranchpropertyclass.com/Docs/Plaintiffs%E2%80%99%20Motion%20for%20Final%20Approval%20of%20Class%20Settlement%20and%20Plaintiffs%E2%80%99%20Motion%20for%20Attorneys%20Fees,%20Lit.pdf>)

1 financial information provided by the Settlement Class Representatives combined  
2 with publicly available research such as advertised vessels and capacity (“seats”),  
3 reported hotel occupancy and average daily room rates, and consumer spending  
4 research conducted for local municipalities. *Id.* ¶ 30. By adding up the estimated  
5 lost profits of each category, the total estimated lost profits for the Waterfront  
6 Tourism Class has been determined. *Id.* Accordingly, the pro rata share of the  
7 Settlement funds allocated to each category has been determined by taking each  
8 category’s estimated lost profits as a percentage of the total estimated lost profits of  
9 the entire Waterfront Tourism Class. *Id.* ¶ 31.

10 Unlike in the Amplify settlement, here Plaintiffs propose that all identified  
11 Waterfront Tourism Class Members, like the Fisher and Property Class Members,  
12 will receive checks by mail without having to take any action.

13 For entities engaged in whale and/or dolphin watching/sunset cruising,  
14 sportfishing operations, “six-pack” fishing, leisure boat rentals/charters, and hotel  
15 and lodging accommodations, their allocation of Settlement funds within these  
16 categories will be determined by calculating each entity’s pro-rata share of the total  
17 number of seats (for boats) or rooms (for hotels) multiplied by the Category  
18 Distribution Balance for each respective category. *Id.* ¶ 35.

19 The Settlement Administrator will determine whether any marina or landing  
20 entity is a member of the Waterfront Tourism Class and not already covered by  
21 another business category above, in which case an award will be determined based  
22 on a percentage of the funds allocated to the entities being serviced through such  
23 marina or landing entity. *Id.* ¶ 36.

24 Surf schools, food and beverage entities, bait and tackle shops, and other  
25 retail establishments identified within the Waterfront Tourism Class Definition will  
26 receive equal shares of the Category Distribution Balance for each respective  
27 category. They will not need to file claims to receive payments. *Id.* ¶ 37.

28 Payments will be issued to eligible, identified Waterfront Tourism Class

1 Members by check. To the extent that any Waterfront Tourism Class Member has  
2 side agreements with other individuals or entities that guarantee those individuals  
3 or entities a proportion of recovery, Waterfront Tourism Class Members are  
4 responsible for upholding their side agreements. *Id.* ¶ 38.

5 Calculations are ongoing and it is not possible for Plaintiffs to specifically  
6 estimate potential payments per category of Waterfront Tourism Class Member at  
7 this time.

8 **III. CONCLUSION**

9 For the reasons stated above, Plaintiffs respectfully request that the Court  
10 approve the Plans of Distribution for the Fisher Class, the Property Class, and the  
11 Waterfront Tourism Class as fair, adequate, and reasonable.

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Dated: July 31, 2023

Respectfully submitted,

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v.

AMPLIFY ENERGY CORP., *et al.*,

Defendants.

Case No. 8:21-CV-01628-DOC(JDEx)

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
APPROVAL OF PLAINTIFFS'  
PLANS OF DISTRIBUTION**

Date: September 14, 2023  
Time: 8:30 a.m.  
Judge: David O. Carter  
Room: 10A

1 Plaintiffs have moved for an order approving the Plans of Distribution for the  
2 Fisher Class (Dkt. 752-1), Property Class (Dkt. 752-2), and the Waterfront Tourism  
3 Class (Dkt. 752-3). Upon due consideration of the motion and all of the papers,  
4 pleadings and files in this action, and good cause appearing, the Court GRANTS  
5 the motion.

6 As part of its review of a proposed settlement, the trial court should consider  
7 “the effectiveness of any proposed method of distributing relief to the class,  
8 including the method of processing class-member claims.” Fed. R. Civ. P.  
9 23(e)(2)(C)(ii). Likewise, Rule 23(e)(2)(D) asks whether “the proposal [for  
10 distribution among class members] treats class members equitably relative to each  
11 other.” Relevant considerations may include “whether the apportionment of relief  
12 among class members takes appropriate account of differences among their claims,  
13 and whether the scope of the release may affect class members in different ways  
14 that bear on the apportionment of relief.” Fed. R. Civ. P. 23(e)(2), 2018 adv. comm.  
15 note.

16 Fundamentally, “[a]ssessment of a plan of allocation of settlement proceeds  
17 in a class action under Fed. R. Civ. P. 23 is governed by the same standards of  
18 review applicable to the settlement as a whole – the plan must be fair, reasonable,  
19 and adequate.” *In re Illumina, Inc. Sec. Litig.*, No. 3:16-CV-3044-L-MSB, 2021  
20 WL 1017295, at \*4 (S.D. Cal. Mar. 17, 2021) (*citing Class Pls. v. City of Seattle*,  
21 955 F.2d 1268, 1284–85 (9th Cir. 1992)). The plan “need only have a reasonable,  
22 rational basis, particularly if recommended by experienced and competent class  
23 counsel.” *Jenson v. First Tr. Corp.*, No. CV 05-3124 ABC (CTX), 2008 WL  
24 11338161, \*9 (C.D. Cal. June 9, 2008) (citation omitted).

25 The Court has reviewed the Plans of Distribution and finds that they meet the  
26 standards for approval. The Plans establish a simple and fair distribution process.  
27 All identifiable Class Members that do not opt out will be sent a check, obviating  
28 the need for a claims process entirely.

1           The Fisher Plan awards Class Members their pro rata share of the settlement,  
2 and the Property Plan awards Class Members equal shares. The Waterfront Tourism  
3 Plan awards pro rata shares to Class Members in business categories for which pro  
4 rata shares of losses can be estimated. For Waterfront Tourism Class Members in  
5 business categories for which pro rata shares cannot be reasonably estimated, the  
6 Waterfront Tourism Plan awards equal shares of estimated losses for each of those  
7 business categories. Distribution methods such as these are regularly approved as  
8 fair and reasonable. *Koenig v. Lime Crime, Inc.*, No. CV 16-503 PSG (JEMX),  
9 2018 WL 11358228, at \*4 (C.D. Cal. Apr. 2, 2018) (approving payment of equal  
10 shares for portion of settlement); *In re High-Tech Emp. Antitrust Litig.*, 2015 WL  
11 5159441, at \*8 (N.D. Cal. Sept. 2, 2015) (approving payment based on “fractional  
12 share[s]”); *Jenson*, 2008 WL 11338161, at \*10 (approving distinctions in plan of  
13 allocation as reasonably reflecting likelihood of recovery of subgroups within the  
14 class); *In re Biolase, Inc. Sec. Litig.*, No. SA-CV-13-1300-JLS-FFMX, 2015 WL  
15 12720318, at \*5 (C.D. Cal. Oct. 13, 2015) (variable pro rata distribution plan based  
16 upon relative injuries of class members approved).

17           This Court approved substantially similar Plans of Distribution in the  
18 settlement with the Amplify defendants. *See* Dkt. 727 (order approving Amplify  
19 Plans of Distribution); Dkt. 739-3 (Tr. of Apr. 24, 2023 Hr’g at 4:10-7:1)  
20 (describing Amplify Plans of Distribution as “extraordinarily well-thought-out”).  
21 No class members there—the exact same Class Members here—objected to the  
22 Amplify Plans of Distribution. *Id.* at 3.

23           The two differences between the Plans of Distribution here and those  
24 approved in the Amplify settlement both benefit Class Members: (a) no payments  
25 will be offset by prior payments received under the Oil Pollution Act, and (b) no  
26 Waterfront Tourism Class Members will need to submit claims to receive  
27 payments. *See* Dkt. 752-3 (proposed Plan of Distribution for Waterfront Tourism  
28 Class).

1           Accordingly, the Court finds that the Fisher, Property, and Waterfront  
2 Tourism Plans are fair and reasonable and meet the standard for approval under  
3 Rule 23(e). Plaintiffs’ motion is GRANTED.

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IT IS SO ORDERED.

Dated: \_\_\_\_\_

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Hon. David O. Carter