

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

_____)	
ALLAPATTAH SERVICES, INC.,)	CASE NO. 91-0986-CIV-GOLD/SIMONTON
et al.,)	
)	
Plaintiffs,)	
)	FOR CONSIDERATION BY
vs.)	SPECIAL MASTER THOMAS E. SCOTT
)	
EXXON CORPORATION,)	
)	
Defendant.)	
)	
_____)	

**CLASS COUNSEL'S THIRD MOTION FOR ADJUDICATION
OF CONFLICTING CLAIMS (MOTION C3)**

Class Counsel hereby moves for adjudication of the conflicting claims referenced on the attached table. Each of these claims conflict with one or more other claims that seek recovery of the same gallons for the same time period at the same station. With regard to Conflict Numbers C3.1-3.6, each claimant has filed his or her reply setting forth, under oath, a claim of entitlement to the recovery and the basis of the claim. With regard to Conflict Numbers C3.7-3.19, one of the claimants at the station has not responded to requests to participate in the preparation of such documentation, and as a result there is a potential or actual conflict that precludes one or more other claimants from moving forward with their claim. These disputes are now suitable for submission to mediation pursuant to the Order Appointing Bonnie L. Rippingille as Mediator in the Claims Administration Process [D.E. 3684] and the Report and Recommendation for Entry of an Order Appointing Bonnie L. Rippingille as Mediator in the

Claims Administration Process [D.E. 3652]. If mediation is unsuccessful, the disputes should be heard and resolved by the Special Master.¹

Respectfully submitted,

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By:  _____
EUGENE E. STEARNS

¹ Because of Class Counsel's role on behalf of all claimants, Class Counsel does not represent any of these claimants in their disputes against other claimants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic mail and U.S. mail on the individuals listed below this 1st day of May, 2007.

James E. Cecchi, Esq. Melissa E. Flax, Esq. A. Richard Ross, Esq. Carella, Byrne, Bain, Gilfillan, Cecchi, et al. 5 Becker Farm Road Roseland, New Jersey 07068 <i>States' Counsel</i>	Dennis J. O'Hara, Esq. Nicholas Christin, Esq. Wicker, Smith, O'Hara, McCoy, et al. SunTrust Center 515 E. Las Olas Boulevard, Suite 1400 Fort Lauderdale, FL 33301 <i>States' Counsel</i>
Bonnie Rippingille, Mediator Cole, Scott & Kissane, P.A. 1390 Brickell Ave., Third Floor Miami, Florida 33131	

By: 
For EUGENE E. STEARNS

CLASS COUNSEL'S THIRD MOTION FOR ADJUDICATION OF CONFLICTING CLAIMS (MOTION C3)

Conflict No.	Station No.	Dealer Name	Litigant A			Litigant B			
			Claim Number	Claimant Name	Percent Sought	Claim Number	Claimant Name	Percent Sought	Dates in Dispute
C3.1	28044	Henry Brauner	874	Estate of Henry Brauner	100%	1596	Coventry Way, Ltd.	100%	3/1/83-5/30/90
C3.2	64656	Van Diamantaras	4525	Van Diamantaras	100%	1022371	Anastasia Diamantaras	100%	10/1/90-3/1/93
C3.3	68218	Van Diamantaras	4524	Van Diamantaras	100%	1021556	Anastasia Diamantaras	100%	6/1/88-4/1/90
C3.4	63047	Van Diamantaras (A) / Van's Automotive, Inc. (B)	4527A&B	Van Diamantaras	100%	1022667A&B	Anastasia Diamantaras	100%	8/8/83-10/1/86 (A)/10/1/86-7/1/88 (B)
C3.5	65332	Hugo G. Durand	104282	Hugo G. Durand	100%	1022147	R.M. "Vito" Duran	100%	3/1/83-8/1/93
C3.6	27884	Mattawoman Enterprises, Inc.	100005A	Mattawoman Enterprises, Inc.	100%	103628	Estate of Stephen W. Good, Sr.	50%	3/1/83-2/28/90
C3.7	60853	Sierra/Robert Sierra and Karen Sierra	101611A&B	Celestino Robert Sierra	100%	1023362*	Feroz Shalwani*	?	?
C3.8	32513	Ney J. Iglesias	1000807	Ney J. Iglesias	100%	6275*	Premji Enterprises, Inc.*	?	?
C3.9	32513	Minor Adjustments, Inc.	100228	Minor Adjustments, Inc.	100%	6275*	Premji Enterprises, Inc.*	?	?
C3.10	28296	James W. Sovine	3773	Estate of James W. Sovine	100%	4361*	Eggleton Enterprises, LLC*	?	?
C3.11	70227	Walter L. Burns and Velma E. Burns	1007018	Walter Leon Burns and Velma Elizabeth Burns	100%	5684*	Selby Petroleum, Inc.*	?	?
C3.12	70445	Oth, Inc.	104870	Oth, Inc.	100%	4874*	Anwar Nakib*	?	?
C3.13	25014	Steve Meadowcraft	589	Stephen Hugh Meadowcraft	100%	1581*	Jai Laxmi Inc.*	?	?
C3.14	61930	Fahim A. Nimri	104822	Fahim A. Nimri	100%	6379*	Robert O'Conor Jr.*	?	?
C3.15	61930	Naim A. Nemry	1632	Naim A. Nemry	100%	6379*	Robert O'Conor Jr.*	?	?
C3.16	61930	John Lazaris	1768	John Lazaris	100%	6379*	Robert O'Conor Jr.*	?	?
C3.17	64692	Donald Michael	1006249A	Donald Louis Michael, Sr.	100%	6369*	Robert O'Conor Jr.*	?	?
C3.18	64692	Donald L. Michael, Jr.	1006249B	Donald L. Michael, Jr.	100%	6369*	Robert O'Conor Jr.*	?	?
C3.19	64692	Michael Kastis	1011126	Michael Musto	33.33%	6369*	Robert O'Conor Jr.*	?	?

*Claimants designated with an asterisk have not responded to Class Counsel's efforts to prepare Replies, and accordingly the precise date and nature of their claims is unknown.

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ORDER OF REFERENCE TO SPECIAL MASTER

THIS CAUSE is before the Court upon Class Counsel's Third Motion for Adjudication of Conflicting Claims. Pursuant to Federal Rule of Civil Procedure 53, Plaintiffs' motion is referred to Special Master Judge Thomas E. Scott to take all necessary and proper action as required by law.

DONE AND ORDERED in Chambers at Miami, Florida this _____ day of _____, 2007.

ALAN S. GOLD
UNITED STATES DISTRICT JUDGE

Copies furnished to:

U.S. Magistrate Judge Andrea Simonton
Special Master Thomas E. Scott
All Counsel of Record