

Do You Own or Work for a Fishing Business Affected by the 2015 Santa Barbara Oil Spill?

You Could Be a Class Member in a Class Action Lawsuit.

Updated Class Definition

*A federal court has authorized this Notice. You are **not** being sued.*

You could be affected by a class action lawsuit against Plains All American Pipeline, L.P. (“Plains Pipeline”). This lawsuit claims that certain persons and businesses (and their employees) that fished for seafood off the Central California Coast (“Commercial Fishers”) or that purchased and re-sold seafood (“Processors”) suffered financial losses due to the May 19, 2015 Santa Barbara oil spill.

The Court recently approved changes to the class definition based on additional evidence and claims about the scope of the oil spill. The Class now includes:

- Commercial Fishers: Persons and businesses who owned or worked on a vessel between May 19, 2010 and May 19, 2015, that was in operation as of May 19, 2015, that landed:
 - Any commercial seafood within the California Department of Fish & Wildlife fishing blocks 654, 655, or 656; or
 - Any commercial seafood except groundfish or highly migratory species, as defined by the California Department of Fish & Wildlife and Pacific Fishery Management Council, in fishing blocks 651-656, 664-670, 678-686, 701-707, 718-726, 739-746, 760-765, or 806-809; or
- Processors: Persons and businesses (in operation as of May 19, 2015) who purchased and re-sold this commercial seafood at the retail or wholesale level. Only persons and businesses who purchased fish or seafood directly from the Commercial Fishers described above are included in the Class.

You may have seen a previous notice that stated different fishing blocks and seafood species were included in the Class. The number of fishing blocks included in the Class has changed and certain species of seafood were removed, except in the areas closed to fishing after the spill, as specified above.

You have received this Notice because you may be a member of the current Class, because you were a member of the original class, or both. Some members of the original class are not members of the current Class. Your rights may have changed, even if you are still a member of the current Class. You should review this Notice carefully to determine whether you are a member of the current Class and how your rights may have changed.

If you have any questions about whether you are included in the updated Class, please *see* Questions 4-7 below. You may also contact Class Counsel listed under Question 18 below.

The Court has not decided whether Plains Pipeline did anything wrong; rather, the case is currently scheduled to go to trial on **September 1, 2020**. There are no benefits now and no guarantee there will be. Your rights are affected, and **you have a choice to make now**. Your options are explained in this notice.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Get possible benefits, including money. Give up certain rights.</p> <p>If you do nothing, you keep the possibility of getting money or benefits that may result from a trial or settlement. But, you give up any rights to sue Plains Pipeline on your own about the same legal claims and issues in this lawsuit.</p>
EXCLUDE YOURSELF	<p>Get out of this lawsuit. Get no benefits from it. Keep your right to pursue individual claims or bring an individual lawsuit at your own expense.</p> <p>If you ask to be excluded from the lawsuit, you won't be eligible to receive any money or benefits that may result from a trial or settlement. But, you keep any rights to sue Plains Pipeline on your own about the same legal claims and issues in this lawsuit. <i>See Questions 9-13 below.</i></p> <p>If you already submitted a request to exclude yourself from the lawsuit in 2017, you will continue to be excluded unless you tell Class Counsel you want to cancel your previous opt out request and be part of the updated Class.</p>

Class Counsel still must prove their claims against Plains Pipeline at a trial. If money or benefits are obtained, you will be notified in the future about how to recover the amount owed to you, if any. To ask to be excluded or to cancel your previous exclusion request, you must act by **August 31, 2020**.

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BASIC INFORMATION

1. Why was this notice issued?

Judge Philip S. Gutierrez, of the United States District Court for the Central District of California, is currently the Judge overseeing this case. The case is known as *Andrews et al. v. Plains All American Pipeline, L.P. et al.*, No. 2:15-cv-04113. The people who filed the class action case are called the Plaintiffs. The Defendants in the lawsuit are Plains All American Pipeline, L.P. and Plains Pipeline, L.P. (“Plains Pipeline”).

This lawsuit was previously “certified” as a class action in 2017. This means that the lawsuit meets the requirements for class actions under federal law. You are receiving this notice because the group of people included in the Class has changed. Plains Pipeline does not agree that this case should move forward as a class action.

2. What is this lawsuit about?

On May 19, 2015, an underground pipeline known as Line 901 ruptured, resulting in a discharge of crude oil along the coast near Refugio State Beach in Santa Barbara County. As a result, the California Department of Fish and Wildlife imposed a ban on fishing in a 138-square-mile zone from Canada de Alegria by Gaviota State Beach to Coal Oil Point in Isla Vista.

The Plaintiffs in the lawsuit claim that the oil spill caused Commercial Fishers and Processors to suffer significant financial losses. In this lawsuit, Plaintiffs seek to recover damages for the injuries suffered by class members resulting from the oil spill. Plaintiffs claim the oil spill in this lawsuit caused the following injuries: reduced catch for certain species of seafood in 2015 through the end of 2017 and an impact on all fishing in the areas that were closed immediately after the spill occurred. The lawsuit is not about personal injuries or other claims, such as damage to fishing equipment or other types of business losses. Plains Pipeline denies any claims of wrongdoing and disputes Plaintiffs’ claims.

The Court has not decided whether Plaintiffs or Plains Pipeline is right. The lawyers for the Plaintiffs (“Class Counsel”) will have to prove their claims in Court.

3. Why is this a class action?

In a class action, one or more people called “class representatives” [in this case, Keith Andrews; Tiffani Andrews; Sarah Rathbone (owner of Community Seafood LLC); Hwa Hong Muh (operates Mu’s Seafood Co.); The Eagle Fleet, LLC;¹ Mike Gandall; Southern Cal Seafood, Inc. and Pacific Rim Fisheries, Inc.; Ocean Angel IV, LLC; Morgan Castagnola; Wei International Trading Inc.; and Santa Barbara Uni, Inc.] sued on behalf of a group of people who have similar legal claims. All of these people are members of a “class,” or “class members.” One court and one case resolve the issues for all class members, except for those who exclude themselves from the class.

¹ The Eagle Fleet, LLC was a member of the original Class, but it intends to ask the Court to remove it as a Class Representative.

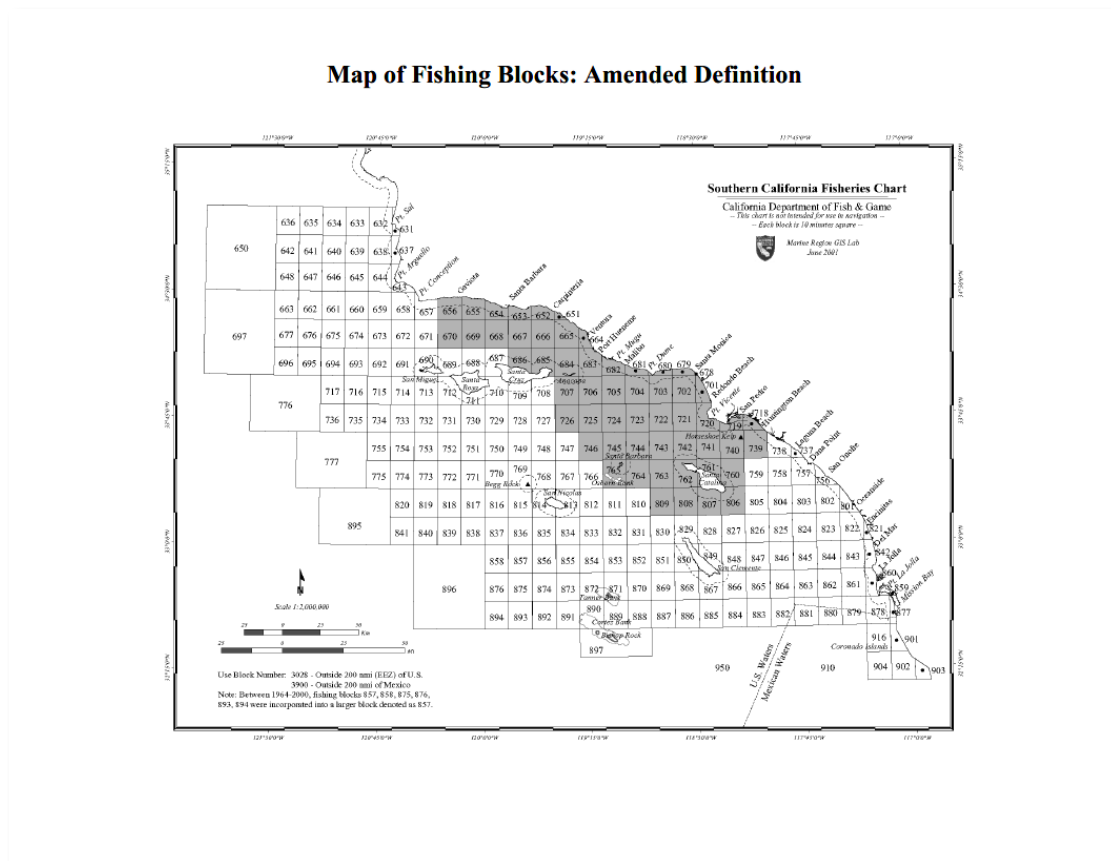
4. Who is a member of the Class?

The Court changed the class definition on November 22, 2019 to include fishing blocks that better reflect where Plaintiffs allege that the oil went and removed some seafood species.

You **are** included in the current Class if you are a:

- Commercial Fisher: A person or business who, between May 19, 2010 and May 19, 2015, owned or worked on a vessel that was in operation as of May 19, 2015 and that landed:
 - Any commercial seafood within the California Department of Fish & Wildlife fishing blocks 654, 655, or 656; or
 - Any commercial seafood except groundfish or highly migratory species, as defined by the California Department of Fish & Wildlife and Pacific Fishery Management Council, in fishing blocks 651-656, 664-670, 678-686, 701-707, 718-726, 739-746, 760-765, or 806-809; or
- Processor: A person or businesses in operation as of May 19, 2015 who purchased such commercial seafood directly from the Commercial Fishers and resold it at the retail or wholesale level. Only Processors who purchased fish or seafood directly from the Commercial Fishers described above are included in the Class.

The fishing blocks included in the current Class are highlighted in this diagram below:



All other fishing blocks, as well as groundfish or highly migratory species (except in blocks 654, 655, or 656), are no longer part of the Class.

5. Who is not included?

The lawsuit does **not** include:

- Certain fishers and processors included in the original class definition who are no longer in the current class definition (*see* Question 6 below);
- People who previously opted out of the lawsuit in 2017 (*see* Questions 12-13) and do not choose to cancel their opt out request by **August 31, 2020**;
- People who opt out of the Class by **August 31, 2020**;
- Any entity or division in which Plains Pipeline has a controlling interest;
- Plains Pipeline’s legal representatives, officers, directors, employees, assigns, and successors;
- The judge assigned to this case, the judge’s staff, and any member of the judge’s immediate family.

6. How has the class definition changed?

The Court changed who is included (known as the class definition) based on updated information about the areas and commercial seafood species that may have been affected by the Plains Pipeline oil spill. The class definition now includes fishing blocks that better reflect where the Plaintiffs allege that oil went and removes some seafood species for which Plaintiffs’ experts have not offered Class-wide proof of harm resulting from the oil spill.

Those who were in the original class but are no longer part of the current Class, include commercial fishers and processors who, between May 19, 2010 and May 19, 2015:

- Only caught, or directly purchased, commercial seafood from fishing blocks 631-633, 637-639, 643-645, 657-659, 671, or 687-690;
- Did not catch or purchase commercial seafood from fishing blocks 654, 655, or 656; and
- Caught or directly purchased groundfish or highly migratory species (listed in Question 4) only outside of blocks 654, 655, or 656.

For additional information about the class definition, or if you have questions about whether you are a Class Member, please visit the website www.PlainsOilSpill.com, or call 1-888-684-6801.

7. What should I do if I am still not sure whether I am included?

If you are still not sure whether you are included in the Class, you can ask for free help. Visit the website, www.PlainsOilSpill.com, or call 1-888-684-6801 for more information. You may also contact Class Counsel listed in Question 18 below by writing to Santa Barbara Oil Spill Class Action, PO Box 2820, San Francisco, CA 94111-3339 or writing an email to: info@plainsoilspill.com.

8. Is there any money available now?

No money or benefits are available now, as neither the Court, nor a jury, has decided whether Plains Pipeline did anything wrong, and the two sides have not settled the case. The Court has set a trial date of **September 1, 2020**. There is no guarantee that the Class will be successful at trial or that money or benefits will ever be obtained. If the Class recovers money or benefits, you will be notified how to recover the money owed to you, if any.

If there is a settlement or judgment against Plains Pipeline, you may have to demonstrate that you earned at least 25% of your income during the year (or fishing season) through fishing, and provide proof of income or any physical damages to get any money or benefits. If you want to keep your right to sue Plains Pipeline for damages not included in this case, you should consider excluding yourself, as described under Question 12 below. You may consult an attorney about your rights and should do so, if you wish.

YOUR RIGHTS AND OPTIONS

9. What are my rights if I am no longer included in the Class?

If you were part of the original class, but the Court's changes mean you are no longer a current Class Member, you will not be bound by a final judgment in this case. However, you will keep your existing rights, if any, to sue Plains Pipeline in a separate action.

The success of any individual lawsuit may depend on the application of legal issues, such as the statutes of limitations (whether or not your claim is too late). If you are no longer included in the Class but wish to bring your own separate legal claim against Plains Pipeline, you should contact a lawyer as soon as possible, because time limits that were paused by this class action may now be running again for your claim.

10. What are my rights if I am included in the Class?

If you are included in the Class, you have the possibility of getting money or benefits that may result from a trial or settlement in this case. But you will also be legally bound by all Court orders in this case, good or bad, and you will not be able to sue Plains Pipeline on your own about the same legal claims and issues in this lawsuit.

If you do not want to be included in the lawsuit, you must exclude yourself (or "opt out") of it. If you exclude yourself, you will not be bound by any Court orders. You will keep your right to sue Plains Pipeline on your own about the issues in this lawsuit. If Class Counsel obtains benefits or money from Plains Pipeline as a result of this lawsuit, you will not be able to share in them.

11. How do I exclude myself?

If you want to be excluded (“opt out”) from the lawsuit, you must either: (1) submit an opt out request through the website: www.PlainsOilSpill.com no later than **August 31, 2020**, or (2) send a letter that includes the following:

- Your name, address, and telephone number;
- The name of the case (*Andrews v. Plains All American Pipeline*, No. 2:15-cv-04113);
- A statement that you want to be excluded from this class action; and
- Your signature and date.

Mail your opt out request postmarked no later than **August 31, 2020** to:

Santa Barbara Oil Spill Class Action
PO Box 2820
San Francisco, CA 94111-3339

For more information, visit the website, www.PlainsOilSpill.com, call 1-888-684-6801, or contact the Class Counsel listed in Question 18 below.

12. If I excluded myself earlier, do I need to exclude myself again?

No. If you submitted a request to exclude yourself from the lawsuit in 2017, you will continue to be excluded unless you notify Class Counsel that you would like to cancel your previous opt out or exclusion request and now be included in the current Class.

13. How do I cancel my previous opt out request?

If you excluded yourself from the lawsuit in 2017, you can cancel your previous opt out (or exclusion) request by writing to Class Counsel at:

Santa Barbara Oil Spill Class Action
PO Box 2820
San Francisco, CA 94111-3339

Your request to cancel your opt out request should be postmarked by **August 31, 2020**.

14. If I filed an OPA claim, can I still participate in the class action?

This lawsuit makes claims under state law, including the Lempert-Keene Act. The lawsuit does not include claims based on the federal Oil Pollution Act (“OPA”) statute. But, it does seek to recover damages for Class Members who suffered due to the decline in fisheries as a result of the oil spill, including some types of relief that are not available through the OPA process, such as punitive damages.

OPA is a federal statute that provides compensation for people who incur economic injury as a result of an oil spill. Under OPA, claimants who wish to pursue recovery under the statute must first submit a claim to the “responsible party.” The responsible party here is Plains Pipeline.

As a Class Member, even if you filed an OPA claim and received payment from Plains Pipeline directly, you are still entitled to any additional recovery obtained as part of the class action, unless you have already agreed to settle all of your claims and signed a full release. Any payment you receive for your OPA claim may be deducted, however, from the amount you are entitled to recover in the class action.

If you choose (or chose) to opt out of the Class, you will not be entitled to any additional or supplemental recovery from the class action, and Class Counsel cannot represent you in your separate action.

15. If I file (or filed) a restitution claim in the criminal case against Plains Pipeline, can I still participate in the class action?

Yes. Even if you file (or filed) a restitution claim (*see* Question 16) in the criminal case against Plains Pipeline, you can still participate in the class action.

16. What is a restitution claim?

On September 8, 2018, the jury in the criminal case *People v. Plains* (Santa Barbara Superior Court Criminal Case No. 1495091) found Plains Pipeline guilty of a felony of knowingly discharging oil or taking actions that it reasonably should have known would cause oil to be discharged into the waters of California. Plains Pipeline was also found guilty of a misdemeanor of knowingly failing to follow a material provision of its applicable oil contingency plan. Plains Pipeline was found guilty of six additional misdemeanor charges, including unlawfully allowing a substance/material hazardous to fish, plant, and bird life to spill into state waters and beach.

In April 2019, the judge overseeing the criminal case issued a \$3.3 million fine against Plains Pipeline as part of its sentence. The criminal sentencing will also include payments to victims for their losses (“restitution payments”), and the criminal court judge will determine which victims of Plains Pipeline’s crimes are able to claim restitution payments and the amount of those payments.

Whether or not you are included in this class action, if you are a victim of the Plains Pipeline oil spill, you may be able to claim a restitution payment.

Class Counsel has submitted a request for restitution payments on behalf of the Class. Plains Pipeline has stated that Class Members are not “direct” victims eligible for restitution under the state restitution statutes and has asked the state court to dismiss such claims. The Superior Court has not yet ruled on whether Class Members may receive restitution.

If you have questions about the criminal case or restitution payments, you may contact Class Counsel by calling 1-888-684-6801; writing to Santa Barbara Oil Spill Class Action, PO Box 2820, San Francisco, CA 94111-3339; or writing an email to: info@plainsoilspill.com.

17. What happens if I do nothing?

If you do nothing and you are a Class Member, you will automatically remain in the Class. You will be legally bound by all Court orders, good or bad. You will not be able to sue Plains Pipeline about the same legal claims included in this case.

THE LAWYERS REPRESENTING YOU

18. Do I have a lawyer in the case?

Yes. The Court has appointed the following law firms to represent you and other Class Members as “Class Counsel”:

Robert J. Nelson Lief, Cabraser, Heimann & Bernstein, LLP 275 Battery Street, 29th Floor San Francisco, CA 94111-3339	Lynn L. Sarko Keller Rohrback L.L.P. 1201 Third Avenue, Suite 3200 Seattle, Washington 98101 Juli E. Farris Keller Rohrback L.L.P. 801 Garden Street, Suite 301 Santa Barbara, CA 93101
A. Barry Cappello Cappello & Noël LLP 831 State Street Santa Barbara, CA 93101	William M. Audet Audet & Partners LLP 711 Van Ness Ave #500 San Francisco, CA 94102

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

19. How will the lawyers be paid?

Attorneys’ fees in the class action lawsuit will be decided by the Court. Typically, lawyers are paid a percentage of the recovery obtained on behalf of the class or that amount is separately negotiated by the parties. The Court must approve of any request for attorneys’ fees by the lawyers in the case. No matter what happens, you will not have to pay any attorney fees or expenses out of pocket to the lawyers representing the Class.

A TRIAL

20. How and when will the Court decide who is right?

If the case is not dismissed or settled, Plaintiffs will have to prove their claims at a trial that is currently set to take place on **September 1, 2020**, at the First Street Courthouse, 350 West 1st Street, Courtroom 6A, 6th Floor, Los Angeles, California 90012. During the trial, either the judge or a jury will hear all of the evidence so that a decision can be reached about whether the Plaintiffs or Plains Pipeline is right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class. The trial date may change without further notice.

21. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, you will be notified about how to recover the amount owed to you, if any. Important information about the case will be posted on the website, www.PlainsOilSpill.com, as it becomes available.

GETTING MORE INFORMATION

22. How do I get more information?

You can get more information at www.PlainsOilSpill.com; by calling toll free at 1-888-684-6801; writing to Santa Barbara Oil Spill Class Action, PO Box 2820, San Francisco, CA 94111-3339; or writing an email to: info@plainsoilspill.com.