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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

BEYOND BUSINESS
INCORPORATED, d/b/a BIG FISH
BAIT & TACKLE, individually and
on behalf of others similarly
situated,

Plaintiff,

vs.

AMPLIFY ENERGY
CORPORATION d/b/a BETA
OFFSHORE, et al.,

Defendants.

Case No. 8:21-cv-01714-DOC-JDE

**ORDER GRANTING
PLAINTIFFS' EX PARTE
APPLICATION FOR COURT
ORDER REQUIRING
DEFENDANTS TO PROVIDE
NOTICE BEFORE TAKING ANY
ACTION THAT COULD
POTENTIALLY SPOLIATE
EVIDENCE**

1 On October 2, 2021, and for an undetermined period before, crude oil was
2 released from a cracked section of an oil pipeline, known as the San Pedro Bay
3 Pipeline, located off the Orange County, California coastline. Defendants own and/or
4 operate the San Pedro Bay Pipeline and the Elly Processing Platform (collectively
5 “Oil System”), which controls the transportation of crude oil through the pipeline.
6 Plaintiffs brought several causes of action against Defendants on October 14, 2021.
7 On November 8, 2021, Plaintiffs filed an *Ex Parte* Application for an Order
8 Requiring Defendants to Provide Notice Before Taking Any Action that Could
9 Potentially Spoliate Evidence. Having read and considered all papers, and after
10 affording Defendants an opportunity to respond, with good cause appearing,

11 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

12 1. The Court finds that the nature and complexity of the cause of and
13 response to the oil spill at issue injects a high degree of uncertainty and confusion
14 into the normal process by which parties navigate the evidentiary and discovery
15 process. The Court finds that the considerations associated with evidence
16 preservation are unique and atypical due, in part, to the multi-agency and multi-
17 jurisdictional investigations into the oil spill, of which Defendants’ cooperation
18 and/or participation may play a part. The Court also finds that the geographic and
19 physical landscape of the Oil System are considerations that elevate the risks
20 associated with evidence preservation.

21 2. The Court finds that Defendants, as parties to the present lawsuit with
22 greater knowledge of who possesses control over or access to the Oil System and any
23 components thereto, are in the best position to provide prompt notice to Plaintiffs of
24 any actions, constructively or otherwise, they intend to take or expect to be taken (by
25 themselves or others) with respect to the Oil System and any components thereto.
26 The Court, therefore, **ORDERS:**

1 Defendants AMPLIFY ENERGY CORPORATION, BETA OPERATING
2 COMPANY, LLC, and SAN PEDRO BAY PIPELINE COMPANY, shall
3 notify Plaintiffs in writing before Defendants take any action that will result in
4 spoliation of the evidence, including repair, replacement, modification,
5 alteration, update, removal, transportation, disposal, and/or any other similar
6 activity that could possibly lead to the spoliation of evidence, relating to the
7 San Pedro Bay Pipeline, Elly Processing Platform, and any individual
8 component related to the San Pedro Bay Pipeline and Elly Processing
9 Platform.

10
11 **IT IS SO ORDERED.**

12
13 Date: November 17, 2021



Honorable David O. Carter
United States District Judge