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9 Attorneys for Plaintiffs:
10 PEOPLE OF THE MUNICIPALITY
OF EAURAPIK, YAP STATE
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FILED
5/27/13 4:50
DATE: _____ TIME: _____
By: 
CLERK, FOR SUPREME COURT
YAP
TRIAL DIVISION

12 IN THE SUPREME COURT OF
13 THE FEDERATED STATES OF MICRONESIA
14 TRIAL DIVISION - STATE OF YAP

15 THE PEOPLE OF THE MUNICIPALITY
EAURAPIK, YAP STATE, by and through
16 SANTOS SARONGELFEG, JOHN
HAGLELGAM, and MOSES MOGLIG,

CIVIL ACTION NO. 2011-3002

17 Plaintiffs,
18 vs.

PRELIMINARY ORDER RE:
APPROVAL

19 F/V TERAKA 168, *in rem*, F/V FU KUAN
606, *in rem*, F/V YUH YOW 127, *in rem*,
20 their engines, masts, bowsprits, boats,
anchors, chains, cables, rigging, apparel,
21 furniture, and all necessities thereunto
pertaining.

22 *In Rem* Defendants.

23 YUH YOW FISHERY COMPANY LTD.,
MARIN MARAWA, LTD., MASANAGA
24 SHIMAZU, CAPTAIN EDGAR R.
PELAEZ, MALAYAN TOWAGE AND
25 SALVAGE CORPORATION, CITY PRO
MANAGEMENT LIMITED, and HSIN
26 HORNG FISHERY CO., LTD.

27 *In Personam* Defendants,

1 THE FEDERATED STATES OF
2 MICRONESIA NATIONAL
3 GOVERNMENT,

Intervenor Plaintiff.

4
5 **PRELIMINARY ORDER RE: APPROVAL**

6 The Court has received and reviewed Plaintiffs' Motion For Approval Of
7 Proposed Settlement Agreement, Plaintiffs' memoranda in support of that Motion and
8 the exhibits attached thereto and the authorities cited therein, and other papers filed
9 with respect to the motion and the entire record in this case.

10 NOW THEREFORE IT IS HEREBY PRELIMINARILY ORDERED THAT:

11 1. Class Certification. Civil Action No. 2011-3002 shall be
12 maintained as a class action pursuant to the Order of Class Certification filed on May
13 8, 2012.

14 2. Proposed Settlement. The proposed settlement between the
15 Plaintiffs and the Defendant CITY PRO MANAGEMENT LTD. and F/V YUH
16 YOW 127 appears, upon preliminary review, to be within the range of reasonableness
17 and accordingly shall be submitted to the class members for their consideration and
18 for a fairness hearing under FSM Civ. R. 23(e) as made applicable by FSM Civ. R. 23.2.
19 The Court accepts and recognizes CITY PRO'S Agreement to this settlement is
20 expressly conditioned on the following, the satisfaction of each and all of which is a
21 material term of the Settlement Agreement: (a) there shall be no opt outs from the
22 class; and (b) in the event any challenge is brought to any aspect of the resolution of
23 this case, such challenge shall be unsuccessful and every aspect of the class
24 certification, settlement, and dismissal shall remain unaffected.

25 3. Plan for Use, Investment and Distribution of Settlement Proceeds.
26 Plaintiffs, in consultation with counsel and with leaders and members of their asserted
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1 class, and in a manner appropriate under custom and tradition shall develop a Plan
2 for Use, Investment and Distribution of the Settlement.

3 4. Notice of the Class. Within a reasonable time prior to the fairness
4 hearing, the representative parties shall provide notice to the People of ^{Eauripik} Yap, in a
5 manner consistent with custom and tradition of ^{Eauripik} Yap and in cooperation with the
6 traditional leadership, by convening meetings on ^{Eauripik and} Yap, providing to as many members
7 of the unincorporated association as reasonably possible to the fullest possible extent,
8 information about the Proposed Settlement and the Plan for Use, Investment and
9 Distribution of the settlement proceeds.

10 a. The information provided concerning the Proposed
11 Settlement shall include, but not be limited to the following:

12 (1) the balance of monies available to the People of
13 Eauripik, after payment of the expenses, debts, costs of court and attorneys fees;

14 (2) that all Defendants will be released from liability, so
15 that there will be no recourse against them in the event additional or unforeseen harm
16 is caused to the marine environment by the silt and rubble caused by the grounding;
17 and

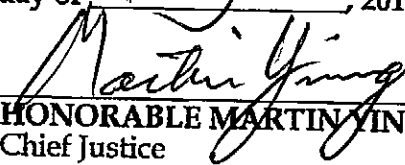
18 (3) that persons who wish to object to the Proposed
19 Settlement or to the Plan for Use, Investment or Distribution should so notify the
20 Court on or before June 24, 2013, preferably in writing and will be given
21 an opportunity by the Court to make their objections at the fairness hearing to be held
22 on July 1, 2013.

23 (4) that persons who wish to opt out from the Proposed
24 Settlement shall so notify the Court in writing on or before June 24, 2013,
25 or by personal appearance and a statement on the record in open Court at the fairness
26 hearing to be held on July 1, 2013.

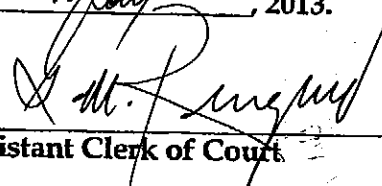
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SO ORDERED this 27th day of May, 2013.


HONORABLE MARTIN YINUG
Chief Justice

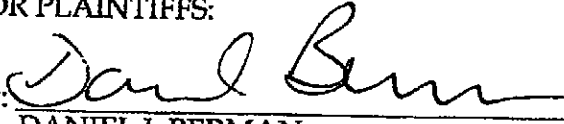
ENTERED this 27th day of May, 2013.


Assistant Clerk of Court

SO STIPULATED:

FOR PLAINTIFFS:

DATED: May 24, 2013

By: 
DANIEL J. BERMAN
JOSEPH C. RAZZANO
Attorneys for Plaintiffs

FOR DEFENDANTS:

CITY PRO MANAGEMENT LTD. and
F/V YUH YOW 127

DATED: _____

By: _____
STEVEN P. PIXLEY

DATED: _____

By: _____
DAVID P. LEDGER

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SO ORDERED this _____ day of _____, 2013.

HONORABLE MARTIN YINUG
Chief Justice


ENTERED this _____ day of _____, 2013.

Assistant Clerk of Court

SO STIPULATED:

DATED: May 24, 2013

FOR PLAINTIFFS:

By: 
DANIEL J. BERMAN
JOSEPH C. RAZZANO
Attorneys for Plaintiffs

FOR DEFENDANTS:

CITY PRO MANAGEMENT LTD. and
F/V YUH YOW 127

DATED: 05-27-13

By: 
STEVEN P. PIXLEY

DATED: _____

By: _____
DAVID P. LEDGER

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SO ORDERED this ____ day of _____, 2013.

HONORABLE MARTIN YINUG
Chief Justice

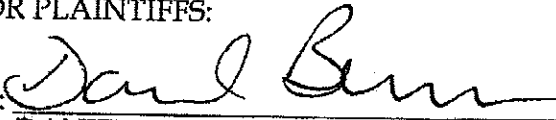
ENTERED this ____ day of _____, 2013.

Assistant Clerk of Court

SO STIPULATED:

DATED: May 24, 2013

FOR PLAINTIFFS:

By: 
DANIEL J. BERMAN
JOSEPH C. RAZZANO
Attorneys for Plaintiffs

FOR DEFENDANTS:

CITY PRO MANAGEMENT LTD. and
F/V YUH YOW 127

DATED: _____

By: _____
STEVEN P. PIXLEY

DATED: May 28, 2013

By: 
DAVID P. LEDGER