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7 *Attorneys for Plaintiffs*

8  
9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF NEVADA**

11 OLIN CORPORATION and PIONEER  
AMERICAS LLC d/b/a OLIN CHLOR  
12 ALKALI PRODUCTS,

13 Plaintiffs,

14 v.

15 CONTINENTAL CASUALTY COMPANY,  
16 FACTORY MUTUAL INSURANCE  
COMPANY, ZURICH AMERICAN  
17 INSURANCE COMPANY, NATIONAL  
UNION FIRE INSURANCE COMPANY OF  
18 PITTSBURGH, PENNSYLVANIA, and ACE  
AMERICAN INSURANCE COMPANY,  
19

20 Defendants.  
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Case No.: 2:10-cv-00623-GMN-NJK  
Case No.: 2:10-cv-01298-GMN-NJK

**JOINT STIPULATION AND  
ORDER REGARDING DISMISSAL OF  
CERTAIN CLAIMS AND ENTRY OF  
JUDGMENT CONSISTENT WITH JURY  
VERDICT**

22 WHEREAS, Olin Corporation and Pioneer Americas, LLC d/b/a Olin Chlor Alkali  
23 Products (collectively “Olin”) filed one of the above-captioned lawsuits, *Olin Corp. v. Continental*  
24 *Casualty Co. et al.*, Case No. 2:10-cv-00623 (“Olin’s Action”), in which Olin asserted, among  
25 other things, claims against the Continental Casualty Company (“Continental”) for:  
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- 27 i) Count I, Breach of Contract;  
28 ii) Count II, Breach of the Duty of Good Faith and Fair Dealing

1           iii) Count III, Violation of Nevada Revised Statutes § 686A.310

2           iv) Count IV, Declaratory Judgment – Right to Recover Under Continental Casualty’s  
3           Boiler and Machinery Policy (“Policy”).

4 Continental, among other things, raised an affirmative defense that Olin failed to cooperate under  
5 the terms of the Policy (“Affirmative Defense IV”);

6           WHEREAS, Continental filed a lawsuit captioned *Continental Casualty Co. v. Olin*  
7           *Corporation*, which was initially filed in the United States District Court for the District of  
8           Missouri and transferred to this Court and assigned Case No. 2:10-cv-01298 (“Continental’s  
9           Action”), in which Continental asserted, among other things, claims against Olin for:

- 10           i) Count I, Declaratory Judgment – Coverage;  
11           ii) Count II, Declaratory Judgment – Cooperation Clause;

12           WHEREAS, on January 26, 2013, the parties entered into a confidential partial settlement  
13           agreement, pursuant to which they agreed, among other things, to dismiss with prejudice, pursuant  
14           to Fed. R. Civ. P. 41(a)(1)(A), Counts II and III and Affirmative Defense IV in Olin’s Action, and  
15           Count II of Continental’s Action.

16           WHEREAS, a jury trial was held on the remaining claims in these consolidated actions  
17           from January 29, 2013 to February 8, 2013, and the jury returned a verdict in favor of Olin,  
18           finding “the efficient proximate cause of the damage to the diaphragm cells was...A Covered  
19           Cause of Loss as defined in the Policy.” *See* Dkt. 294; Dkt. 297; Dkt. 300;

20           WHEREAS, the amount of damages to which Olin is entitled is set forth in the Parties’  
21           confidential partial settlement agreement, as Olin prevailed at trial, and is above the amount  
22           required to confer diversity jurisdiction in this Court. Post-judgment interest shall accrue on the  
23           unpaid amount of damages set forth in the Parties’ partial settlement agreement, beginning on the  
24           date that this Court enters judgment.  
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WHEREAS, all issues and claims are preserved for appeal and none are waived.

THEREFORE, pursuant to Fed. R. Civ. P. 54 and 58, the Parties respectfully request that the Court enter Final Judgment on the claims tried to the Jury, including Counts I and IV of Olin's Action and Count I of Continental's Action, as proposed in the attached Judgment.

Dated: March 7, 2013

Respectfully submitted,

**OLIN CORPORATION and PIONEER AMERICAS LLC**

By: /s/ Sara Tonnies Horton  
One of Their Attorneys

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12 ALKALI PRODUCTS,

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Case No.: 2:10-cv-01298-GMN-NJK

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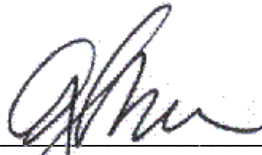
22 **FINAL JUDGMENT**

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24 With respect to the above-captioned consolidated actions, *Olin Corp. v. Continental*  
25 *Casualty Co. et al.*, Case No. 2:10-cv-00623 (“Olin’s Action”), and *Continental Casualty Co. v.*  
26 *Olin Corporation*, Case No. 2:10-cv-01298 (“Continental’s Action”), this Court, having been  
27 advised of the parties’ confidential partial settlement agreement, and having certain claims come  
28 before the Court and tried to a jury, hereby makes the following adjudications:

1 IT IS ORDERED AND ADJUDGED that, pursuant to Fed. R. Civ. P. 41(a)(1)(A) and the  
2 Parties' confidential partial settlement agreement, Counts II and III and Affirmative Defense IV in  
3 Olin's Action, and Count II of Continental's Action, are dismissed with prejudice, with each party  
4 to bear its own costs and fees in connection with those Counts.

5 IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to Fed. R. Civ. P. 54 and  
6 58 and consistent with the Jury's answer of the Special Verdict Form, *see* Dkt. Nos. 294, 297 and  
7 300, Final Judgment is entered in favor of the Plaintiffs, Olin Corporation and Pioneer Americas  
8 d/b/a Olin Chlor Alkali Products, and against Defendant Continental Casualty Company, on all  
9 remaining claims in the consolidated actions, including Counts I and IV of Olin's Action and  
10 Count I of Continental's Action. Plaintiffs shall recover from the Defendant the amount to which  
11 the parties stipulated and agreed pursuant to their confidential partial settlement agreement dated  
12 January 26, 2013.

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15 **IT IS SO ORDERED** this 11th day of March, 2013.

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20 Gloria M. Navarro  
21 United States District Judge  
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