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10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

14	THE ATCHISON, TOPEKA & SANTA	}	CONSOLIDATED ARVIN CASES:	
15	FE RAILWAY COMPANY, et al.,		No.	CV-F-92-5068 OWW
16	Plaintiffs,		No.	CV-F-96-6226 OWW
17	v.	}	No.	CV-F-96-6228 OWW
18	BROWN & BRYANT, INC., et al.,		JUDGMENT FOR	
19	Defendants.		SHELL OIL COMPANY	
20	_____		[FRCP 54(b)]	
21	UNITED STATES OF AMERICA	}	Judge Hon. Oliver W. Wanger	
22	Plaintiff,		Trial Date: March 30, 1999	
23	v.		}	
24	THE ATCHISON, TOPEKA & SANTA			
25	FE RAILWAY COMPANY, et al.			
26	Defendants.	_____		

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1 DEPARTMENT OF TOXIC
2 SUBSTANCES CONTROL,
3 Plaintiff,
4 v.
5 THE ATCHISON, TOPEKA &
6 SANTA FE RAILWAY COMPANY,
7 et al.
8 Defendants.
9 AND RELATED CROSS-CLAIMS
10 AND THIRD PARTY ACTIONS

11 This action came on for trial before this Court, the Honorable Oliver W. Wanger
12 presiding, and Judgment was entered on September 10, 2003 against defendants Shell
13 Oil Company (“Shell”) and Burlington Northern and Santa Fe Railway Company (as
14 successor in interest to The Atchison, Topeka & Santa Fe Railway Company) and
15 Union Pacific Railroad Company (as successor in interest to Southern Pacific
16 Transportation Company) (the “Railroads”). The Judgment was affirmed in part and
17 reversed in part by the Ninth Circuit Court of Appeals in *United States v. Burlington*
18 *Northern & Santa Fe Railway*, 520 F.3d 918 (9th Cir. 2008).

19 On June 23, 2008, Shell and the Railroads filed Petitions for Writs of Certiorari
20 with the United States Supreme Court, which were granted. On May 4, 2009, the
21 United States Supreme Court issued its opinion, reversing the decision of the Ninth
22 Circuit, finding no liability on the part of Shell, affirming this Court’s apportionment
23 determination as to the Railroads, and remanding this matter for further proceedings
24 consistent with the opinion. *Burlington Northern & Santa Fe Railway Co. et al. v.*
25 *United States*, 556 U.S. ___, 129 S.Ct. 1870 (2009).

26 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECLARED:

27 1. Plaintiffs United States of America and California Department of Toxic
28 Substances Control, and Cross-Complainants Burlington Northern and Santa Fe

1 Railway Company (as successor in interest to The Atchison, Topeka & Santa Fe
2 Railway Company) and Union Pacific Railroad Company (as successor in interest to
3 Southern Pacific Transportation Company), shall recover nothing from, or as against
4 Defendant Shell Oil Company.

5 2. The matter having been fully adjudicated, the Court finds no just reason
6 for delaying entry of final judgment with regard to Shell, and final judgment pursuant
7 to FRCP rule 54(b) hereby is and shall be entered in favor of Defendant Shell Oil
8 Company and against Plaintiffs.

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11 IT IS SO ORDERED.

12 **Dated: August 26, 2009**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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