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6 | Attorneys for Plaintiff Edward Carpinelli

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

11 EDWARD CARPINELLI, et al.) Case No. 06-CV-4528-~~JSW~~ MHP
12)
13 Plaintiffs,) **CLASS ACTION**
14 v.)
15 BOLIDEN AB, et al.) **STIPULATION FOR DISMISSAL**
16) **WITH PREJUDICE**
17 Defendants.)
18)
19)
20)

17 Plaintiffs Edward Carpinelli, Aram Ovsepian, G&M Appliances, and John Rinaldi and
18 defendants named in this action — specifically, Mueller Industries, Inc., Mueller Europe Ltd.
19 (also known as Mueller Europe Limited), WTC Holding Company, Inc., Deno Holding
20 Company, Inc., Deno Acquisition EurL, Halcor S.A., Boliden Fabrication AB (now known as
21 Outokumpu Copper Fabrication AB), Boliden Cuivre & Zinc S.A. (now known as Outokumpu
22 Copper BCZ S.A.), IMI plc, IMI Kynoch Ltd., Yorkshire Copper Tube Ltd., KM Europa Metal
23 AG, KME America Inc., Tréfimétaux SA, Europa Metalli SPA (now known as KME Italy SPA),
24 Outokumpu Oyj, Outokumpu Copper Products Oy (now known as Luvata Espoo Oy),
25 Outokumpu Copper (U.S.A.) Inc., Outokumpu Franklin, Inc., Outokumpu Heatcraft USA, LLC,
26 Austria Buntmetall AG, Buntmetall Amstetten GMBH, Wieland Metals, Inc., and Wieland

STIPULATION FOR DISMISSAL WITH PREJUDICE - Case No. 06-CV-4528-JSW

1 Werke AG (collectively, “Defendants”) — hereby submit this Stipulation for Dismissal with
2 Prejudice.

3 WHEREAS, the instant case was brought by the same individuals and entities that were
4 plaintiffs in a consolidated case in San Francisco Superior Court (*Carpinelli v. Boliden AB, et al.*
5 San Francisco Superior Court, Master File No. CGC-04-435527 (The “*Carpinelli State*
6 Action”));

7 WHEREAS, the parties in the *Carpinelli State Action* entered into a Settlement
8 Agreement on October 2, 2009 (the “Settlement Agreement”) that, among other things, identified
9 a class of California indirect purchasers of Copper Tubing and provided for a settlement payment
10 by defendants in the *Carpinelli State Action*, all of which are Defendants herein;

11 WHEREAS, on February 5, 2010, the court overseeing the *Carpinelli State Action*
12 granted final approval of the Settlement Agreement in the *Carpinelli State Action* and notice of
13 entry of judgment thereof was filed on February 8, 2010;

14 WHEREAS, the Settlement Agreement provides that plaintiffs and defendants in the
15 *Carpinelli State Action* shall execute a stipulation of dismissal in the instant action within ten
16 days of the judgment in the *Carpinelli State Action* becoming final;

17 WHEREAS the *Carpinelli State Action* has become final, with no objection or appeal
18 having been filed and with the 60-day time for appeal having passed;

19 WHEREAS, Plaintiffs wish to dismiss from this case in its entirety each and every
20 defendant named herein.

21 WHEREAS, three related direct purchaser actions in the United States District Court for
22 the Western District of Tennessee against certain of the Defendants in this action, captioned *In*
23 *Re Copper Tubing Litigation*, Case No.2:04-cv-2771-BBD (“*Copper Tubing*”), *In re ACR*
24 *Copper Tubing*, Case No. 2:06-cv-02207-BBD (“*ACR Copper Tubing*”), and *Carrier*
25 *Corporation v. Outokumpu Oyj, et al.*, Case No. 2:06-cv-2186-BBD (“*Carrier*,” not a class
26 action), were dismissed for lack of subject matter jurisdiction;

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1 WHEREAS, the plaintiffs in *Copper Tubing*, *ACR Copper Tubing*, and *Carrier* appealed
2 the district court's rulings to the United States Court of Appeals for the Sixth Circuit and the
3 defendants entered various cross-appeals;

4 WHEREAS, on March 13, 2008, pursuant to a stipulation by the parties therein to
5 voluntarily dismiss the appeals and cross-appeals, the Sixth Circuit entered an order dismissing
6 the *Copper Tubing* action;

7 WHEREAS, on March 31, 2008, pursuant to a stipulation by the parties therein to
8 voluntarily dismiss the appeals and cross-appeals, the Sixth Circuit entered an order dismissing
9 the *ACR Copper Tubing* action;

10 WHEREAS, the *Carrier* action is still pending in the Sixth Circuit;

11 WHEREAS, a related indirect purchaser action against certain of the Defendants in this
12 action filed in the United States District Court for the Western District of Tennessee, captioned
13 *Michael Brooks, et al. v. Outokumpu, et al.*, Case No. 2:06-cv-02355-BBD, was administratively
14 closed on May 27, 2009;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
16 the parties hereto that this action shall be dismissed in its entirety, with prejudice, each party to
17 bear its own costs.

18 IT IS HEREBY FURTHER STIPULATED AND AGREED that this Stipulation does not
19 constitute an appearance by any Defendant and will not in any way be considered an acceptance
20 of or consent to jurisdiction or waiver of service and that each Defendant reserves all of its rights
21 to contest or object to personal jurisdiction in this matter and reserves all other rights and
22 defenses, including those under Rule 12 of the Federal Rules of Civil Procedure.

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1 Dated: April 19, 2010.

SAVERI & SAVERI, INC.

2 By: /s/ Cadio Zirpoli
3 Cadio Zirpoli
4 706 Sansome Street
5 San Francisco, CA 94111
6

7 Counsel for Plaintiffs Edward Carpinelli and Aram
8 Ovsepian
9

10 Dated: April 19, 2010.

11 GROSS BELSKY ALONSO LLP
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13 By: /s/ Terry Gross
14 Terry Gross
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17 San Francisco California 94104
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19 Counsel for Plaintiffs G&M Appliances and John
20 Rinaldi
21

22 Dated: April 19, 2010.

23 QUINN EMANUEL URQUHART OLIVER &
24 HEDGES, LLP
25

26 By: /s/ Evette Pennypacker
27 Evette Pennypacker
28 50 California Street, 22nd Floor
San Francisco, CA

29 Counsel for Defendants Mueller Industries, Inc.,
30 Mueller Europe Ltd., WTC Holding Company, Inc.,
31 Deno Holding Company, Inc., and Deno Acquisition
32 Eurl. All rights and defenses reserved.
33

34 Dated: April 19, 2010.

35 ARNOLD & PORTER LLP
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37 By: /s/ Sharon D. Mayo
38 Sharon D. Mayo
39 275 Battery Street, Suite 2700
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41

42 Counsel for Defendant Halcor S.A. All rights and
43 defenses reserved.
44

1
2 Dated: April 19, 2010.

COLLETTE ERICKSON FARMER & O'NEILL
LLP

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4 By: /s/ William S. Farmer
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8 Counsel for Defendants KME America, Inc.,
Yorkshire Copper Tube Ltd., Tréfimétaux SA, and
Europa Metalli SPA. All rights and defenses
reserved.

9 Dated: April 19, 2010.

DAVIS POLK & WARDWELL LLP

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11 By: /s/ Arthur J. Burke
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14 Counsel for Defendants Boliden AB, Boliden
Fabrication AB and Boliden Cuivre & Zinc S.A.
15 All rights and defenses reserved.

16 Dated: April 19, 2010.

LATHAM & WATKINS LLP

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18 By: /s/ Joshua N. Holian
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20 San Francisco, CA 94111

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22 Counsel for Defendants IMI plc and IMI Kynoch
Ltd. All rights and defenses reserved.

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Dated: April 19, 2010.

COBLENTZ, PATCH, DUFF & BASS LLP

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By: /s/ Howard A. Slavitt

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Counsel for Defendants Outokumpu Oyj,
Outokumpu Copper Products Oy (now known as
Luvata Espoo Oy), Outokumpu Copper (U.S.A.)
Inc., Outokumpu Franklin, Inc., and Outokumpu
Heatcraft USA, LLC. All rights and defenses
reserved.

Dated: April 19, 2010.

ORRICK HERRINGTON & SUTCLIFFE LLP

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By: /s/ David M. Goldstein

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Counsel for Defendants Austria Buntmetall AG,
Buntmetall Amstetten GMBH, Wieland Metals,
Inc., and Wieland Werke AG. All rights and
defenses reserved.

ORDER

Good cause appearing therefore, IT IS HEREBY ORDERED that this case is dismissed in
its entirety, with prejudice, each party to bear its own costs, in accordance with the above
stipulation.

Dated: 4/29/2010

STIPULATION FOR DISMISSAL

IT IS SO ORDERED

Judge Marilyn H. Patel

Hall Patel,

Case No. 06cv-4528-JSW



ATTESTATION OF FILING

Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), I, Cadio Zirpoli, hereby attest that concurrence in the filing of this stipulation and proposed order has been obtained from Counsel for each of the named parties with conformed signatures listed above.

Dated: April 19, 2010

SAVERI & SAVERI, INC.

By: _____/s/ Cadio Zirpoli _____

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