

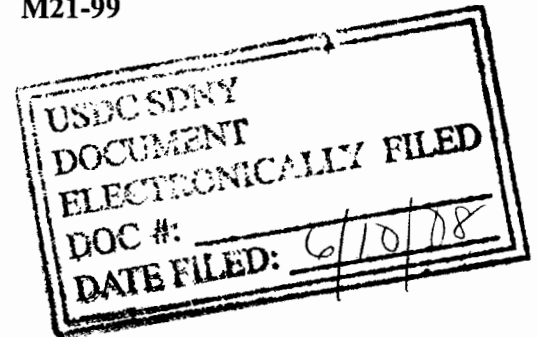
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
In Re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation

----- X  
This Document Relates To:  
----- X

City of Roseville v. Atlantic Richfield Company,  
et al., No. 04 Civ. 4971  
----- X

Master File No. 1:00-1898  
MDL No. 1358 (SAS)  
M21-99



**ORDER OF DISMISSAL WITHOUT PREJUDICE**

The Court hereby dismisses without prejudice the "threatened well" claims of *City of Roseville*, with each party bearing its own costs. Such dismissal is granted on the condition that Plaintiff will not assert claims against any Defendant unless and until any one of the following conditions occurs:

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- (1) MTBE or TBA is detected for the first time in any well owned or operated by Plaintiff or in water accessed by Plaintiff in its operations; or
- (2) a federal or state agency issues to Plaintiff an order, judgment or directive requiring it to cease or limit operation of any well owned or operated by it due to the detection of MTBE or TBA in the vicinity of such well or in water accessed by such well; or
- (3) a federal or state agency issues to Plaintiff an order, judgment or directive requiring it to remediate, cleanup or otherwise abate any detection of MTBE or TBA; or
- (4) any change(s) in the statutory or regulatory laws affecting Plaintiff's potential ability to seek to recover damages from any Defendant for actual or imminently threatened contamination to groundwater from MTBE and/or TBA; or

- (5) any new detections on or after May 6, 2008 of MTBE and/or TBA in the capture zone of a well(s) indicating wells are imminently threatened by MTBE and/or TBA. In the event that these detections occur, the Plaintiff must also have a report dated after May 6, 2008 from a qualified engineer, hydrogeologist, or other environmental consultant advising the Plaintiff that, in light of the new detections, specific well(s) are imminently threatened by MTBE and/or TBA.

ENTERED this 10 day of June, 2008

  
HONORABLE SHIRA A. SCHEINDLIN