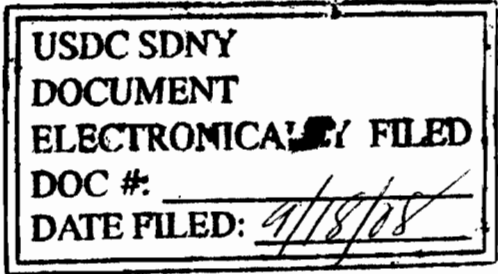


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- X  
IN RE METHYL TERTIARY BUTYL ETHER  
PRODUCTS LIABILITY LITIGATION  
----- X

Master File No. 1:00-1898  
MDL 1358 (SAS), M21-88

This document relates to:

----- X  
*Town of Middleborough, et al. v. Amerada Hess  
Corporation, et al.*, Case No. 06-CV-3741  
----- X

**ORDER OF DISMISSAL WITH  
PREJUDICE**

The Plaintiffs and those Settling Defendants that are parties in this action as set forth on the attached Exhibit A have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement<sup>1</sup>, and Plaintiffs have now moved without opposition for the entry of this agreed upon dismissal of all claims of any kind pending against the Settling

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

Doc. 2004

Defendants with prejudice. The Court finds that the motion for dismissal of Settling Defendants with prejudice from this action should be granted and that:

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

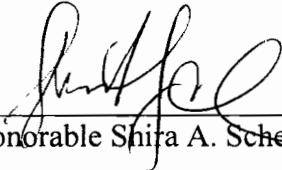
1. The Plaintiffs and Settling Defendants have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of Settling Defendants only from this action.

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<sup>1</sup> The Settlement Agreement dated as of March 12, 2008 ("Settlement Agreement") was filed with this Court on May 7, 2008 in connection with a motion for good faith determination under California and Illinois law in certain other cases. This motion was granted and a judgment entered. See Amended Opinion and Order at 2008 WL 2944653 (July 30, 2008). The term "Settling Defendants" used herein is as defined in the Settlement Agreement.

3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Settling Defendants only.
4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice only as to those Settling Defendants that have been named or have appeared in the above captioned action, including those identified on the attached Exhibit A, with each party to bear its own costs and attorneys' fees.

ENTERED this 17 day of September, 2008:

  
\_\_\_\_\_  
Honorable Shira A. Scheindlin

## EXHIBIT A

The Settling Defendants below are named defendants in the case of *Town of Middleborough, et al. v. Amerada Hess Corporation, et al.*, Case No. 06-CV-3741 and are listed as they appear in the caption of Plaintiffs' complaint (even if erroneously identified or no longer in existence).

1. Amerada Hess Corporation
2. Atlantic Richfield Company, individually and doing business as ARCO Products Company (f/k/a ARCO Petroleum Co.), and also known as ARCO
3. BP Products North America, Inc., individually and formerly known as Amoco Oil Company and BP Exploration and Oil Inc. (successor-by-merger to BP North America Inc.)
4. Chevron Corporation (f/k/a ChevronTexaco Corp.) individually and as successor-in-interest to Chevron Corp. and as successor in interest to Texaco Inc.
5. Chevron U.S.A., Inc., individually and formerly known as Gulf Oil Corp. (d/b/a Chevron Products Company, d/b/a Chevron Chemical Company)
6. CITGO Petroleum Corporation
7. CITGO Refining and Chemicals Company, LP
8. ConocoPhillips Company f/k/a Phillips Petroleum Company, individually and as successor-in-interest to Tosco Corporation and d/b/a Phillips 66 Company
9. El Paso Merchant Energy-Petroleum Company, individually and formerly known as Coastal Refining and Marketing, Inc. and formerly known as Coastal States Trading, Inc.
10. Equilon Enterprises, LLC, d/b/a Shell Oil Products US, individually and as successor-by-merger to Equiva Services LLC
11. Flint Hills Resources, LP (f/k/a Koch Petroleum Group, LP)
12. Lyondell-CITGO Refining, LP
13. Motiva Enterprises, LLC (individually and f/k/a Star Enterprises LLC)
14. PDV Midwest Refining
15. The Premcor Refining Group, Inc., individually and formerly known as Clark Refining
16. Shell Oil Company
17. Shell Oil Products Company, LLC
18. Shell Petroleum, Inc.
19. Shell Trading (US) Company, individually and formerly known as Equiva Trading Company, and also known as STUSCO
20. Sunoco, Inc., individually and formerly known as Sun Oil Company, and formerly known as Sun Company, Inc., and as successor-in-interest to Coastal Eagle Point Oil Company
21. Sunoco, Inc. (R&M), individually and formerly known as sun Refining and Marketing Company and formerly known as Sun Company Inc. (R&M)
22. Texaco Inc.
23. Texaco Refining and Marketing (East) Inc.
24. TMR Company (f/k/a Texaco Refining and Marketing Inc., individually and as successor-by-merger to TRME Co. (f/k/a Texaco Refining and Marketing (East) Inc.)
25. Tosco Corporation, individually and as predecessor-in-interest to ConocoPhillips Company, and also known as Tosco Refining Company, and also known as Tosco Marketing Company
26. TPI Petroleum, Inc.

27. Valero Energy Corporation
28. Valero Marketing and Supply Company
29. Valero Refining Company
30. Valero Refining and Marketing Company