

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

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

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**This document relates to the following case:**

*City of New York, et. al., v. Amerada Hess Corp., et al.*  
Case No. 04 Civ. 3417

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**DECLARATION OF NICHOLAS G. CAMPINS IN OPPOSITION TO  
EXXONMOBIL CORPORATION'S MOTION IN LIMINE TO EXCLUDE  
EVIDENCE AND ARGUMENT REGARDING (I) JOINT AND SEVERAL  
LIABILITY AND PUNITIVE DAMAGES AND (II) TO PROHIBIT THE  
PROPOSED TESTIMONY OF DR. FOGG AND MR. BURKE**

Nicholas G. Campins, an attorney duly admitted *pro hac vice* to appear in this case, hereby declares under penalty of perjury:

1. I am an attorney with the law firm of Sher Leff LLP, counsel for Plaintiffs in the above-captioned matter. I submit this Declaration in support of Plaintiffs' Opposition To ExxonMobil Corporation's Motion *In Limine* to Exclude Evidence and Argument Regarding (I) Joint and Several Liability and Punitive Damages and (II) To Prohibit the Proposed Testimony of Dr. Fogg And Mr. Burke (the "Opposition"). This declaration authenticates the exhibits attached hereto and relied on in the Opposition. In accordance with the Court's Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around September 30, 2009.

2. Attached as Exhibit A is a true and correct copy of an excerpt from a September 2, 2009 transcript of the trial proceedings in the above-captioned matter.

3. Attached as Exhibit B is a true and correct copy of an excerpt from a September 9, 2009 transcript of the trial proceedings in the above-captioned matter.

4. Attached as Exhibit C is a true and correct copy of an excerpt from a September 4, 2009 transcript of the trial proceedings in the above-captioned matter.

5. Attached as Exhibit D is a true and correct copy of an excerpt from a September 23, 2009 transcript of the trial proceedings in the above-captioned matter.

6. Attached as Exhibit E is a true and correct copy of an excerpt from an August 27, 2009 transcript of the trial proceedings in the above-captioned matter.

7. Attached as Exhibit F is a true and correct copy of an excerpt from the March 6, 2008 deposition of Mr. Robert Larkins in MDL 1358, the relevant portion of which was shown via video during the trial of the above-captioned matter on or around September 8, 2009.

8. Attached as Exhibit G is a true and correct copy of an excerpt from a September 3, 2009 transcript of the trial proceedings in the above-captioned matter.

9. Attached as Exhibit H is a true and correct copy of an excerpt from a July 15, 2009 transcript of a hearing in the above-captioned matter.

On this 30th day of September 2009, I hereby declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Dated: New York, NY  
September 30, 2009

/s/ NICHOLAS G. CAMPINS  
NICHOLAS G. CAMPINS (*pro hac vice*)  
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