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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 No. 1358 (SAS)  
M21-88

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This Document Relates To:

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*Our Lady of the Rosary Chapel v. Amerada Hess Corp. et al.*, Case No. 04-CV-1718

*American Distilling & Mfg. Co., Inc. v. Amerada Hess Corp. et al.*, Case No. 04-CV-1719

*Town of East Hampton v. Amerada Hess Corp. et al.*, Case No. 04-CV-1720

*United Water Connecticut, Inc. v. Amerada Hess Corp. et al.*, Case No. 04-CV-1721

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FILED COURT

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

Doc. 2982 Att. 1

**PLAINTIFFS AND DEFENDANT SANTA ENERGY CORPORATION'S  
(f/k/a SANTA HOLDING COMPANY) JOINT MOTION FOR VOLUNTARY  
DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)**

Plaintiffs Our Lady of the Rosary Chapel, American Distilling & Mfg. Co., Town of East Hampton, and United Water Connecticut ("Plaintiffs") own and operate public drinking water systems that supply water to residential and business users within its service areas. Plaintiffs allege that its water supplies are impacted and/or threatened by MTBE contamination. Because these matters are not a "focus cases", minimal discovery or other work has been conducted in these matters.

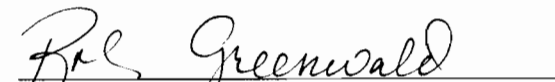
Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs and Defendant Santa Energy Corporation (f/k/a Santa Holding Company) ("Santa Energy") now

jointly move for dismissal without prejudice. Plaintiffs have decided not to pursue its MTBE claims against Santa Energy at this time. Plaintiffs and Santa Energy have agreed that Plaintiffs may refile MTBE claims against Santa Energy in the event that Plaintiffs, upon receipt of further information, determines the MTBE claims against Santa Energy are meritorious. Plaintiffs and Santa Energy ask the court to dismiss Plaintiffs' MTBE claims against Santa Energy without prejudice, with each party to bear its own costs. Plaintiffs and Santa Energy agree that this request is reasonable and prejudices neither Plaintiffs nor Santa Energy.

**DATED:** December 22, 2009.

Respectfully submitted,

by:



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***Counsel for Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS AND DEFENDANT SANTA ENERGY CORPORATION'S (f/k/a SANTA HOLDING COMPANY) JOINT MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)** was served on all counsel of record by posting it directly to LexisNexis File & Serve on December 22, 2009.

  
FREDERIC GRAVENSON