

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation	STIPULATED ORDER OF DISMISSAL
This Document Relates To:	
West Hempstead Water District v. Merit Oil Corp., <i>et al.</i> , 08-cv-04290	MDL No. 1358 (SAS)

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Plaintiff and the Defendants O.K. Petroleum Distribution Corp. and O.K. Petroleum International, Ltd. (the "O.K. Petroleum Defendants") in the above-captioned action respectfully request that the Court enter this voluntary dismissal, without prejudice to re-file in state court as set forth below, and with each party agreeing to bear its own attorney fees and costs, predicated on the following stipulated points:

1. No more than 45 days after this stipulation has been executed by the Plaintiff and the O.K. Petroleum Defendants, the O.K. Petroleum Defendants shall respond to all outstanding discovery served on them by Plaintiff in this action. No more than 15 days thereafter, the O.K. Petroleum Defendants shall file this stipulation with the Court;

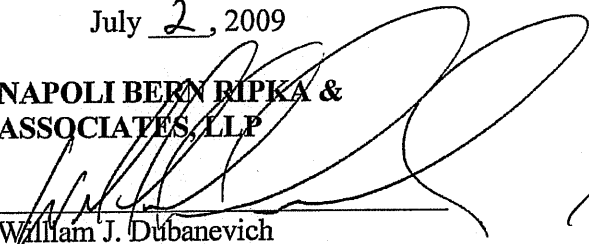
2. Plaintiff may initiate an action in a New York State court of competent jurisdiction by filing and serving a Summons and Verified Complaint on the O.K. Petroleum Defendants, in which Plaintiff asserts the same claims asserted in this action, within 90 days of the signing of this Order;

3. The O.K. Petroleum Defendants' undersigned counsel agrees to accept service of said Summons and Verified Complaint, which service shall otherwise comply with all requirements of the New York Civil Practice Laws and Rules;

4. Subject to the conditions set forth herein at ¶2, for purposes of the application of any Statute Of Limitations to any of the claims asserted by Plaintiff in any forthcoming state court action that were also asserted by Plaintiff in this action, the date on which Plaintiff shall be deemed to have brought each such claim in state court shall be the date on which Plaintiff would have been deemed to have brought each such claim in this action. As such, in connection with such re-filed claims, the O.K. Petroleum Defendants shall not assert any affirmative defenses of Statute Of Limitations or personal jurisdiction which they could not have asserted at the time this action was filed in this Court. This paragraph does not apply to any claims asserted by Plaintiff in any forthcoming state court action that were not asserted by Plaintiff in this action.

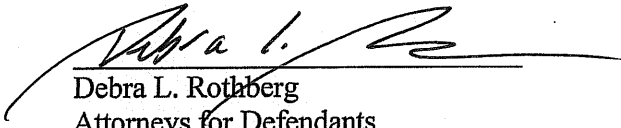
Dated: New York, New York
July 2, 2009

**NAPOLI BERN RIPKA &
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^{Jan} July 11, 2009 ~~2010~~

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Dated: _____, 2009

SO ORDERED:

Hon. Shira A. Scheindlin, U.S.D.J.