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SCV 1104

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

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

MDL 1358 (SAS)

00-cv-1898 (SAS)

X

This document relates to:

AGREED ORDER OF
DISMISSAL OF GETTY
PETROLEUM MARKETING
INC. AND LUKOIL AMERICAS
CORP.

Homosassa Water District v. Amerada Hess Corp., et al. (M.D. Fla.) 07-cv-113

City of Inverness Water District v. Amerada Hess Corp., et al. (M.D. Fla.) 07-cv-114

City of Crystal River v. Amerada Hess Corp., et al. (M.D. Fla.) 07-cv-120

City of Tampa Bay Water District v. Amerada Hess Corp., et al. (M.D. Fla.) 07-cv-516

X

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs in each of the

actions referenced above, by counsel, hereby dismiss without prejudice, Getty Petroleum

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation
Marketing, Inc. ("GPMI") and Lukoil Americas Corp. ("Lukoil") from each of the above-

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referenced actions, with each party to bear its own costs. The dismissal is based upon the

Affidavit of Paul J. Stendardi ("Stendardi Affidavit," copy attached as Exhibit A) and

representations of counsel for defendants GPMI and Lukoil (Exhibit B). Plaintiffs reserve all

other rights against all other defendants.

Should Plaintiffs discover any inaccuracies in the Stendardi Affidavit and/or becomes aware of information that conflicts with the Stendardi Affidavit, defendants GPMI and Lukoil agree to permit Plaintiffs to reinstate defendants GPMI and Lukoil back into the above-captioned actions.

Should Plaintiffs to reinstate defendants GPMI and Lukoil back into the above-captioned actions, defendants GPMI and Lukoil agree that the statute of limitations is tolled between the

respective dates of filing of the Summons and Complaints in each of the above-captioned actions and the date of such reinstatement.

Should Plaintiffs reinstate defendants GPMI and Lukoil back into the above-captioned actions, defendants GPMI and Lukoil waive all rights to move the Court to dismiss the respective actions as against defendants GPMI and Lukoil on grounds of insufficient process and/or insufficient service of process. Defendants GPMI and Lukoil do not waive any other rights not specifically set forth herein.

Dated: New York, NY

August 14, 2007



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Dated: White Plains, NY

August 14, 2007

November 1



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SO ORDERED:


1/14/10