

**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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**STIPULATION AND ~~PROPOSED~~ ORDER AMENDING JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE RULE 59(e)**

WHEREAS, on April 5, 2010, the United States District Court, the Honorable Shira A. Scheindlin, United States District Court Judge, directed the Clerk of the Court to enter final judgment in this action on the Station 6 claims that were the subject of the jury's verdict on October 19, 2009, and

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation
WHEREAS, on April 6, 2010, the Clerk of the Court entered final judgment on the Station 6 claims that were the subject of the jury's verdict, and

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WHEREAS, the City and ExxonMobil agree that the final judgment should be amended to identify the amount of the judgment, the parties in whose favor judgment was entered, the parties against which judgment was entered, and the legal claims on which judgment was entered, and

WHEREAS, the City and ExxonMobil further agree that the final judgment should be amended to provide for pre-judgment interest for the time from the jury's verdict through the entry of judgment, for post-judgment interest, and for allowable costs, and

WHEREAS, the City has moved for an award of pre-judgment interest under

section 5001 of the New York Civil Practice Law and Rules for the time from accrual of the City's action against ExxonMobil through the jury's verdict and ExxonMobil has opposed the City's motion;

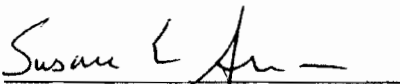
WHEREAS, the City and ExxonMobil agree that the final judgment should be amended after the Court decides the City's motion for pre-judgment interest.

IT IS HEREBY STIPULATED, AGREED AND ORDERED that:

1. Within 7 days of the Court's decision on the City's motion for pre-judgment interest, the City and ExxonMobil shall submit a proposed amended final judgment incorporating the changes identified above to the Court for entry by the Clerk of the Court.


Dated: New York, New York
April 21, 2010

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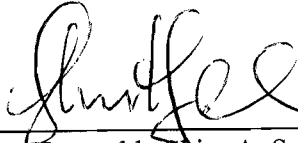

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SO ORDERED:



The Honorable Shira A. Scheindlin
United States District Judge

4/21/10