

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

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

This relates to:

Civil Action

Commonwealth of Puerto Rico, *et al.*
v. Shell Oil Company, *et al.*, No. 07 Civ. 10470

**DECLARATION OF DANIEL BOONE IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO MOTION TO DISMISS
BY DEFENDANTS PEERLESS OIL & CHEMICALS, INC.**

I, Daniel Boone, declare:

1. I am one of the attorneys in this case for plaintiffs Commonwealth of Puerto Rico and Commonwealth of Puerto Rico through the Environmental Quality Board. I have been involved in the discovery and pretrial proceedings in this action. This Declaration is based on my personal knowledge and, if called as a witness, I could testify competently thereto.
2. Attached hereto as Exhibit 1 is a true and correct copy of relevant portions of the Third Amended Complaint, filed in this action on November 30, 2012.
3. Attached hereto as Exhibit 2 is a true and correct copy of the certified translation of *Fraguada Bonilla v. Hosp. Auxilio Mutuo*, 186 D.P.R. 365 (P.R. 2012), 2012 WL 3655336, by Juan E. Segarra, USCC/translator. This certified translation was originally filed by Defendant Peerless Oil & Chemicals, Inc. ("Peerless") on May 6, 2013 in Peerless' Motion Submitting Certified English Translation of Spanish Documents. Plaintiffs have added bracketing to guide the Court to portions of the opinion cited in plaintiffs' opposition.
4. Attached hereto as Exhibit 3 is a true and correct copy of the certified translation of *Otto R. Seda, et al. v. Miranda Hnos. & Co.*, 88 D.P.R. 355 (P.R. 1963), by Daniel Tomlinson, USCC/translator, and the original Spanish version of that opinion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of May, 2013, at Sacramento, California.



DANIEL BOONE

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein referred to, over the age of 18 years and not a party to this action. My business address is 1050 Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

**DECLARATION OF DANIEL BOONE IN SUPPORT OF PLAINTIFFS' OPPOSITION
TO MOTION TO DISMISS
BY DEFENDANTS PEERLESS OIL & CHEMICALS, INC.**

Executed on May 28, 2013, at Sacramento, California.

Kathy Herron
KATHY HERRON