

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

**This document pertains to:**

*New Jersey Department of Environmental  
Protection, et al. v. Atlantic Richfield Company, et  
al.*, Case No. 08-CV-00312

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

**DEFENDANTS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT ON  
PLAINTIFFS' PUBLIC NUISANCE CLAIM FOR DAMAGES AND TRESPASS CLAIM**

PLEASE TAKE NOTICE that the Defendants listed in Attachment A (collectively, "Defendants") hereby move before the Honorable Shira A. Scheindlin, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an order granting partial summary judgment in favor of Defendants and dismissing with prejudice Plaintiffs' (1) Cause of Action for Public Nuisance to the extent it seeks damages beyond abatement and (2) Cause of Action for Trespass. Defendants' motion is based upon their Memorandum of Law, Local Rule 56.1 Statement, and the Declaration of Lisa A. Gerson, Esq. (and exhibits attached thereto), which are filed concurrently herewith, as well as any reply brief or oral argument that may be submitted or made by Defendants in support of this motion.

October 1, 2013  
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter J. Sacripanti", is written over a horizontal line.

Peter John Sacripanti

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*Counsel for Defendants Exxon Mobil  
Corporation, ExxonMobil Oil Corporation,  
and Mobil Corporation and on behalf of  
Defendants Listed on Attachment A*

## ATTACHMENT A

Atlantic Richfield Company;  
BP America, Inc.;  
BP Amoco Chemical Company;  
BP Amoco Corporation;  
BP Products North America Inc.;  
Chevron Corporation;  
Chevron U.S.A. Inc.;  
Coastal Eagle Point Oil Company;  
ConocoPhillips Company;  
Cumberland Farms, Inc.;  
Duke Energy Merchants, LLC;  
El Paso Corporation (n/k/a El Paso LLC);  
Exxon Mobil Corporation;  
ExxonMobil Oil Corporation;  
Equilon Enterprises LLC;  
Getty Petroleum Marketing Inc.;  
Getty Properties Corp.;  
Gulf Oil Limited Partnership;  
Hess Corporation;  
Kewanee Industries, Inc.;  
Lyondell Chemical Company;  
Mobil Corporation;  
Motiva Enterprises LLC;  
Shell Oil Company;  
Shell Oil Products Company LLC;  
Shell Trading (US) Company;  
Sunoco, Inc.;  
Sunoco, Inc. (R&M);  
Unocal Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of October, 2013, a true a correct copy of the following documents were served on all counsel of record by LexisNexis File & Serve and on Plaintiffs' liaison counsel by electronic mail:

DEFENDANTS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS' PUBLIC NUISANCE CLAIM FOR DAMAGES AND TRESPASS CLAIM

DEFENDANTS' RULE 56.1 STATEMENT IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT ON PLAINTIFFS' PUBLIC NUISANCE CLAIM FOR DAMAGES AND TRESPASS CLAIM

DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT ON PLAINTIFFS' PUBLIC NUISANCE CLAIM FOR DAMAGES AND TRESPASS CLAIM

DECLARATION OF LISA A. GERSON IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS' PUBLIC NUISANCE CLAIM FOR DAMAGES AND TRESPASS CLAIM

  
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Lisa A. Gerson