

Case 1:14-cv-01014-SAS Document 115 Filed 01/16/15 Page 1 of 3

Scheidtler, S.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/21/15 Master File No. 1:00-1898 MDL 1358 (SAS) M21-88
---

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

This document relates to:

Commonwealth of Puerto Rico, *et al.*  
v. Shell Oil Company, *et al.*, No. 14 Civ. 01014

Civil Action

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**  
**UNDER FED. R. CIV. P. 41(a)(1) AS TO LYONDELL CHEMICAL COMPANY**

**TO THE HONORABLE COURT:**

**PLEASE TAKE NOTICE** that Plaintiffs, the Commonwealth of Puerto Rico and the Commonwealth of Puerto Rico through the Puerto Rico Environmental Quality Board (collectively referred to as "Plaintiffs"), by and through their undersigned counsel, respectfully submit this Notice of Voluntary Dismissal With Prejudice pursuant to Fed. R. Civ. P. 41(a)(1) as to Defendant Lyondell Chemical Company ("Lyondell").

**WHEREAS** Plaintiffs initially filed their Complaint on or about September 4, 2013 in the United States District Court for the District of Puerto Rico. This case was originally captioned as Civ. No. 3:13-cv-01678-ADC (this matter is hereinafter referred to as "the Litigation").

**WHEREAS** The Litigation is currently pending as part of a multidistrict litigation in the United States District Court for the Southern District of New York, MDL 1358 (SAS), Master File No. 1:00-1898, No. 1:14-cv-01014-SAS;

**WHEREAS** Lyondell has not submitted an answer or a motion for summary judgment in the Litigation;

**WHEREAS** Plaintiffs and Lyondell have agreed to a dismissal *with prejudice* of Lyondell from the Litigation;

**IT IS HEREBY NOTICED THAT** Plaintiffs dismiss Lyondell *with prejudice* from the Litigation pursuant to Fed. R. Civ. P 41(a)(1).

RESPECTFULLY SUBMITTED.

Dated: January 16, 2015

/s Jorge L. Flores De Jesus

**Puerto Rico Department of Justice**  
Jorge L. Flores De Jesus  
Legal Counsel  
P.O. Box 9020192  
San Juan, Puerto Rico 00902-0192

/s Orlando H. Martinez

**Orlando H. Martinez Law Offices**  
Orlando H. Martinez-Echevarria  
Special Counsel for the Secretary of Justice  
Centro de Seguros, Suite 413  
701 Ponce de León Avenue  
San Juan, Puerto Rico 00907

/s John K. Dema

**Law Offices of John K. Dema, P.C.**  
John K. Dema  
Special Counsel for the Secretary of Justice  
1236 Strand Street, Suite 103  
Christiansted, St. Croix  
U.S. Virgin Island 00820-5008

/s William J. Jackson

**Jackson Gilmour & Dobbs, P.C.**  
William J. Jackson  
John D.S. Gilmour  
Special Counsel for the Secretary of Justice  
3900 Essex lane, Suite 700  
Houston, Texas 77027

/s Michael D. Axline

**Miller & Axline**  
Duane C. Miller  
Michael D. Axline  
Special Counsel for the Secretary of Justice  
1050 Fulton Avenue, Suite 100  
Sacramento, California 95825

**SO ORDERED:**



**U.S.D.J.**

ENC

1/21/15

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Notice of Voluntary Dismissal With Prejudice Under Fed. R. Civ. P. 41(a)(1) as to Lyondell Chemical Company* was electronically served this 16th day of January 2015 upon all counsel of record for Plaintiffs and Defendants in MDL No. 1358 via LexisNexis File & Serve.

s/John K. Dema