

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)

This Document Relates To:

The Honorable Shira A. Scheindlin

Orange County Water District v. Unocal Corporation
et al., Case No. 04 Civ. 4968 (SAS)

**PLAINTIFF ORANGE COUNTY WATER DISTRICT'S
NOTICE OF MOTION AND MOTION
FOR INCLUSION OF SHELL AND BP IN REMAND ORDER**

PLEASE TAKE NOTICE THAT – as directed by this Court during the June 18, 2015 status conference for this action – Plaintiff Orange County Water District (“**the District**”) respectfully moves the Court to include defendants Atlantic Richfield Company, BP West Coast Products LLC, and BP Products North America (collectively, “**BP**”) and Shell Oil Company, Equilon Enterprises LLC, and Texaco Refining and Marketing, Inc. (collectively, “**Shell**”) in this Court’s suggestion to remand the focus sites for trial in this action.

This Motion is based on the grounds that the Court’s September 16, 2014 Order regarding BP’s and Shell’s Motion for Summary Judgment Based On *Res Judicata* does not bar the District’s continuing-nuisance causes of action that did not accrue until after the Consent Judgments on which BP’s and Shell’s Motion was based.

This Motion is based on this Notice and Motion, the supporting Memorandum of Law filed in support hereof and all evidence and law cited therein, the parties’ Joint Statement of Material Facts filed in connection herewith, the District’s Request for Judicial Notice filed in support hereof, the pleadings and papers on file with the Court, and upon any evidence or argument that the Court may hear.

DATED: July 6, 2015

Respectfully submitted



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Counsel for Plaintiff Orange County Water District

1 *In Re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation:*
2 *Orange County Water District v. Unocal Corp., et al., Case No. 04 Civ. 4968*


3 **PROOF OF SERVICE VIA LEXISNEXIS FILE AND SERVE**

4 I am a citizen of the United States and an employee in the County of Sacramento. I am
5 over the age of eighteen (18) years and not a party to this action. My business address is Miller,
6 Axline, & Sawyer, 1050 Fulton Avenue, Suite, 100, Sacramento, California 95825.

7 On the date executed below, I electronically served the document(s) via LexisNexis File
8 & Serve, described below, on the recipients designated on the Transaction Receipt located on the
9 LexisNexis File & Serve website:

10 **PLAINTIFF ORANGE COUNTY WATER DISTRICT'S**
11 **NOTICE OF MOTION AND MOTION**
12 **FOR INCLUSION OF SHELL AND BP IN REMAND ORDER**

13 I declare under penalty of perjury that true and correct copies of the above document(s)
14 were served via LexisNexis File & Serve on July 6, 2015.

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KATHY HERRON