

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL  
ETHER ("MTBE") PRODUCTS LIABILITY  
LITIGATION :

This document relates to: :

Master File No.  
1:00-1898  
MDL 1358 (VSB)  
Civil Action No. 08-Civ.  
00312

New Jersey Department of  
Environmental Protection, et al.  
v. Atlantic Richfield Co.,  
et al., :

STIPULATION RELATED TO  
SETTLEMENT as to BP  
AMERICA INC., BP AMOCO  
CHEMICAL COMPANY, BP  
CORPORATION NORTH  
AMERICA INC. (f/k/a BP  
AMOCO CORPORATION), BP  
PRODUCTS NORTH AMERICA  
INC., AND ATLANTIC  
RICHFIELD COMPANY ONLY

VERNON S. BRODERICK, U.S.D.J.:

WHEREAS Plaintiffs and defendants BP America Inc., BP Amoco  
Chemical Company, BP Corporation North America Inc. (f/k/a BP  
Amoco Corporation), BP Products North America Inc., and Atlantic  
Richfield Company (collectively, "the BP Defendants") entered  
into a settlement agreement (the "BP Settlement") that is being  
submitted to this Court for approval; and

WHEREAS certain non-settling defendants have previously  
objected to the settlement in this case between defendant CITGO  
Petroleum Corporation and Plaintiffs; and

WHEREAS the Court denied the motion to approve the settlement between CITGO Petroleum Corporation and Plaintiffs;

THEREFORE, in response to the Court's decision and the previous objections of the non-settling defendants, Plaintiffs stipulate and agree as follows:

1. Plaintiffs agree to reduce any judgment, and if necessary, agree not to seek to collect or to collect in this litigation, captioned *New Jersey Department of Environmental Protection v. Atlantic Richfield Co.*, MDL 1358, 08 Civ. 00312 (S.D.N.Y.), or in any subsequent judicial, administrative or other action that arises as a result of the claims asserted in this litigation, any portion of any judgment under the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to - 23.24 ("Spill Act"), that is allocated by the fact finder in this action to the BP Defendants based on their percentage of relative fault. Plaintiffs further agree that in any trial of this action, the trier of fact shall determine the BP Defendants' percentage of relative fault for Spill Act claims in the same manner and in the same form of trial verdict as for common law claims and as for all other defendants, as if the BP Defendants had remained a non-settling defendant.

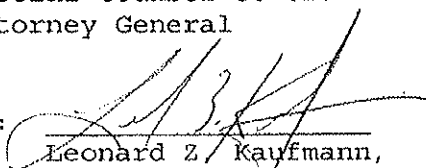
2. Except as provided in paragraph 1 above, this Stipulation is strictly limited to the BP Settlement in this litigation and in no other way limits or reduces the liability of any responsible party.

3. This Stipulation is expressly contingent and effective only upon the approval by the Court of the BP Settlement.

COHN LIFLAND PEARLMAN  
HERRMANN & KNOPF LLP

Special Counsel to the  
Attorney General

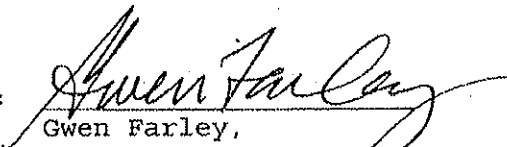
BY:

  
Leonard Z. Kaufmann,  
A Member of the Firm

DATE: 12.11.17

CHRISTOPHER S. PORRINO  
ATTORNEY GENERAL OF NEW  
JERSEY

BY:

  
Gwen Farley,  
Deputy Attorney General

DATE: 12.11.17

SO ORDERED:



Vernon S. Broderick 12/22/2017

United States District Judge