

**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 (VSB)  
M21-88

This document relates to:

Civil Action

*Commonwealth of Puerto Rico v.  
Shell Oil, et al.,*  
USDC-SDNY Civ. No. 07-10470(VSB)  
USDC-PR Civ. No. 07-01505 (CCC)

*Commonwealth of Puerto Rico v.  
Shell Oil, et al.,*  
USDC-SDNY Civ. No. 14-01014 (VSB)  
USDC-PR Civ. No. 13-01678 (ADC)

**JOINT MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE  
UNDER FED. R. CIV. P. 41(a)(2) AS TO  
TOTAL PETROLEUM PUERTO RICO CORP. AND REQUEST FOR ENTRY OF  
PARTIAL JUDGMENT**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff the Commonwealth of Puerto Rico (the “Commonwealth” or “Plaintiff”), and Defendant Total Petroleum Puerto Rico Corp. (“TPPRC”) (Plaintiff and TPPRC are collectively referred to herein as the “Parties”) request the Court enter the proposed order dismissing *with prejudice* all claims against TPPRC.

1. TPPRC was served with process in the cases No. 07-cv-01505 (CCC) (“Puerto Rico 1”) and Case No. 13-cv-01678 (ADC) (“Puerto Rico 2”) initially filed in the United States District Court for the District of Puerto Rico, which were consolidated in MDL 1358 in the United States District Court for the Southern District of New York, Civil Case Nos. 07-Civ-10470(VSB) and 14-01014 (VSB) (hereafter referred to as “the Litigation”).

2. TPPRC has served answers in the Litigation.

3. The Parties have agreed to the dismissal *with prejudice* of TPPRC from the Litigation.

4. The Parties respectfully request that the Court dismiss TPPRC *with prejudice* from the Litigation and that the Court (1) make an express determination that there is no just

reason for delay and (2) direct entry of final judgment as to only Defendant Total Petroleum Puerto Rico Corp. in Case Nos. 07-10470 (VSB) and 14-1014 (VSB) pursuant to Federal Rule of Civil Procedure 54(b).

5. The Parties stipulate that the partial judgment will be firm, final and unappealable on the date it is issued, without imposition of costs or attorneys' s fees.

RESPECTFULLY SUBMITTED.

In New York, New York, this 3rd day of December, 2020.

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