

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

Merichem Company)
)
Plaintiff,)
)
v.)
)
Gerald Davis and Summit Catalyst,)
LLC)
)
Defendants.)

FILED
ASHEVILLE, NC
MAY 20 2013
U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

Civil Action No: 1:12-cv-00282

AGREED FINAL JUDGMENT OF PERMANENT INJUNCTION

The parties to this civil action, Plaintiff Merichem Company (“Merichem”) and Defendants Gerald Davis and Summit Catalyst, LLC (collectively “Defendants”) have announced to the Court that all matters of fact and issues in controversy have been fully and finally compromised between them and are settled. As part of this settlement, Defendants consent to the entry of this Agreed Final Judgment of Permanent Injunction and waive the entry of findings of fact and conclusions of law.

Defendants stipulate that the recipe and formula for the ARI-100 EXL cobalt phthalocyanine catalyst (“100EXL”) and the manufacturing and finishing process for the 100EXL are Merichem’s trade secrets and confidential information. Defendants further stipulate that: (1) sale of the S-101 catalyst (“S-101”) and use of the recipe and formula for S-101 is a violation of Merichem’s rights and has

caused and will continue to cause Merichem to suffer an irreparable injury; (2) remedies available at law, such as monetary damages, are inadequate to compensate Merichem for that injury; (3) the balance of hardships between Merichem and Defendants weighs in favor of Merichem and warrants agreed injunctive relief; and (4) the public interest would not be disserved by a permanent injunction. The Court has examined the parties' stipulation and the terms of this Agreed Permanent Injunction and finds that they are fair and not unlawful.

Defendants understand and agree that the Court has jurisdiction to implement and enforce this Agreed Final Judgment of Permanent Injunction, and understand that if they violate its terms, they may be found in contempt of court.

It is therefore, ORDERED, ADJUDGED and DECREED that Merichem is entitled to a permanent injunction against Defendants as follows:

1. Defendants, as well as Defendants' officers, agents, members, managers, directors, affiliates, servants, employees, contractors and consultants and all others who are in active concert or participation with any of them are permanently restrained and enjoined from the following acts:
 - (a) Disclosing, using, or relying upon Merichem's confidential information and trade secrets including, but not limited to, the recipe and formula for the ARI-100 EXL cobalt phthalocyanine

catalyst (“100EXL”) and the manufacturing and finishing process for the 100EXL and procuring sources or springing, refining, or derivatizing naphthenate acids;

(b) Disclosing, using, or relying upon, in any manner, any recipe, formula, or method of manufacture for any cobalt phthalocyanine catalyst (“CPT”) developed or used by or on behalf of Gerald Davis or Summit Catalyst, LLC or any of its members, managers or directors; and

(c) Except with respect to activities of contractors and consultants, directly or indirectly interfering in any manner with Merichem’s customer relationships including, without limitation, taking any action to divert, diminish or interfere with Merichem’s business relating to CPT catalysts, including ARI 100EXL, magnesium naphthenate, and Fiber Film® contactor technology.

2. This Agreed Final Judgment of Permanent Injunction shall be effective immediately.

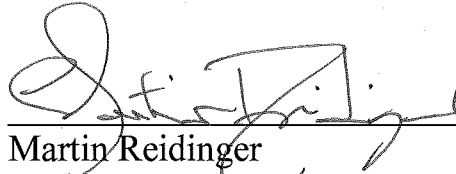
3. This Agreed Final Judgment of Permanent Injunction is not appealable.

4. All other relief not granted herein is denied.

5. The Court will retain jurisdiction over this action for the purposes of implementing and enforcing this Agreed Permanent Injunction.

SO ORDERED.

SIGNED this 20th day of May 2013.



Martin Reidinger
UNITED STATES DISTRICT JUDGE

CONSENTED AND AGREED TO BY:



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