

PROCEDURAL MOTION 17-2008, APPROVING PARTIAL SETTLEMENT OF MTBE LITIGATION (LYONDELL CHEMICAL CORP)

WHEREAS, Procedural Motion No. 4-2001, authorized the retention of a law firm to take legal action against oil companies, refineries and other responsible parties to compel the clean up of Methyl Tertiary Butyl Ether (“MTBE”) contamination of Suffolk County water supplies or recover reimbursement for damages/costs associated with the MTBE contamination; and

WHEREAS, Weitz and Luxenberg, 180 Maiden Lane, New York, NY, was selected to bring the appropriate legal actions on behalf of the County of Suffolk pursuant to Procedural Motion No. 6-2001; and

WHEREAS, Procedural Motion No. 9-2006 authorized the retention of Baron and Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas, as co-counsel in the MTBE litigation; and

WHEREAS, Weitz and Luxenberg initiated an action on behalf of the County of Suffolk in federal district court against numerous oil companies and refineries claiming damages arising from the contamination of water supplies by MTBE and Tertiary Butyl Alcohol (“TBA”); and

WHEREAS, the County’s case is part of the Multi-District Litigation caption, *In re Methyl Tertiary Butyl Ethel (MTBE) Products Liability Litigation*, Master File No., 1:00-1898, MDL1358 (SAS), M21-88 (S.D.N.Y.); and

WHEREAS, outside counsel recommended and this Legislature authorized by Procedural Motion No. 4-2008 the partial settlement of the County’s MTBE claims against the defendants representing approximately 70% of the total gasoline refining markets of named defendants in this case; and

WHEREAS, outside counsel has now recommended that the County of Suffolk settle its MTBE claim against an additional defendant, Lyondell Chemical Corp.; and

WHEREAS, under this settlement the County of Suffolk will be paid \$1,521.15 from which attorney's fees and expenses will be paid; now, therefore be it

1st RESOLVED, that a partial settlement of the County's MTBE claim, *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*, against Lyondell Chemical Corp. as described herein, is approved; and be it further

2nd RESOLVED, that the Presiding Officer of the Suffolk County Legislature and Counsel to the Suffolk County Legislature are hereby authorized to execute such documents as may be necessary to effectuate such settlement.

DATED: Adopted June 10, 2008

EFFECTIVE IMMEDIATELY PURSUANT TO §A2-15(A) OF THE SUFFOLK COUNTY
ADMINISTRATIVE CODE