

PROCEDURAL MOTION 22 –2008, APPROVING PARTIAL SETTLEMENT OF MTBE LITIGATION WITH DEFENDANT EXXON MOBIL

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, Procedural Motion No. 4-2008 approved a partial settlement of the County’s MTBE litigation with certain defendants representing approximately 70% of the total gasoline refining market of all named defendants in the case, under which the County of Suffolk is entitled to a payment of \$1,431,187.45 from which attorneys fees and expenses will be paid; and

WHEREAS, outside counsel has now recommended accepting a settlement with Exxon Mobil under which the County of Suffolk will be paid an additional \$100,000 from which attorneys fees and expenses will be paid; and

WHEREAS, pursuant to the tentative settlement with Exxon Mobil, in the event contamination is detected in a County-owned well that has not been previously impacted MTBE or TBA, Exxon Mobil will either pay its allocated share of treatment costs, arbitrate or mediate the issue of its responsibility, or be subject to new litigation; now, therefore be it

1st RESOLVED, that a settlement of the County's MTBE claim against Exxon Mobil, *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*, 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 August 19, 2008

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