

**PROCEDURAL MOTION 28-2008, APPROVING PARTIAL SETTLEMENT OF MTBE LITIGATION (GETTY PETROLEUM MARKETING, INC., IRVING OIL CORPORATION AND GIANT INDUSTRIES, INC.)**

**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 recommended and this Legislature authorized, by Procedural Motion No. 17-2008, the partial settlement of the County’s MTBE claims against Lyondell Chemical Corp.; and

**WHEREAS**, outside Counsel recommended and this Legislature authorized, by Procedural Motion No. 22-2008, the partial settlement of the County's MTBE claims against defendant Exxon Mobil; and

**WHEREAS**, outside counsel has now recommended that the County of Suffolk settle its MTBE claim against additional defendants, Getty Petroleum Marketing, Inc., Irving Oil Corporation and Giant Industries, Inc.; and

**WHEREAS**, under these settlements the County of Suffolk will be paid \$20,020.77 (Getty Petroleum Marketing Inc.), \$18,731.24 (Irving Oil Corporation) and \$2,874.75 (Giant Industries, Inc.) 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 Getty Petroleum Marketing, Inc., Irving Oil Corporation and Giant Industries, Inc. 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 October 14, 2008

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

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