

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SOUTHDOWN, INC.,

Plaintiff,

v

Case No. C-3-93-354

USX CORPORATION,

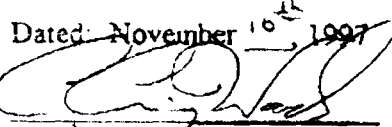
JUDGERICE

Defendant.

STIPULATION OF DISMISSAL

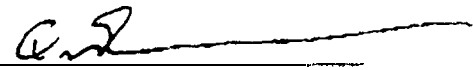
Plaintiff Southdown, Inc. ("Southdown") and Defendant USX Corporation ("USX"), by their respective counsel, do hereby agree and stipulate, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, that this action be dismissed without prejudice, each party to bear its respective costs and fees.

The parties further agree and stipulate that said dismissal does not operate as an adjudication upon the merits pursuant to Federal Rule of Civil Procedure 41(a)(1) and that neither party is barred by this dismissal from later pursuing whatever claims it may have against the other.

Dated: November 10th, 1997


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