

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
KENNETH J. MURPHY
CLERK

AUG 13 AM 9:03

SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
DAYTON

IN RE: SOUTHDOWN, INC.
LITIGATION,

: Filed Nunc Pro Tunc 7/3/96
: Case No. c-3-93-354

ENTRY JOURNALIZING RESULTS OF CONFERENCE OF JULY 3,
1996, REFERENCE SUBMISSION OF CASE MANAGEMENT PLANS
AND POSSIBLE LIFTING OF STAY OF PROCEEDINGS; STAY OF
PROCEEDINGS CONTINUED TO DATE CERTAIN

The captioned cause came on to be heard, on July 3, 1996, on a telephone conference call between Court and counsel, convened to discuss the parties' filing of Case Management Plans (Docs. #37 and #38) and the possible lifting of the Stay of Procedures that has been in effect in this matter.

The following matters were discussed and agreed upon:

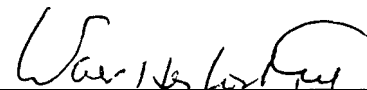
1. Rather than go full speed ahead on the litigation route, the Court suggested (and counsel agreed) to extend the Stay of Proceedings until, at least, January 1, 1997 - (coincidentally, the date upon which the Stay of Proceedings in the companion case (C-3-93-270) is due to expire), in order to allow the **Panterra** group to prepare and submit a final report on the feasibility of a certain pressure drain as a remediation measure. That report, hopefully, will give a finite figure in order to allow the allocation of remediation or response costs.

4/4

2. The only exception to the continuation of the Stay of Proceedings would be for purpose of the taking the deposition of one Glenn Lee on July 24, 1996, primarily for purposes of preservation of testimony.

3. This Court prefers to have the Panterra group submit its report, prior to engaging in full-scale pretrial discovery. If, however, the Panterra group cannot furnish its report within a reasonable period of time, following January 1, 1997, or, in the alternative, should such a report be furnished but not "fix" a finite figure on remediation or response costs, upon which the parties can negotiate toward eventual settlement, this Court will commit itself to allowing full-scale discovery, with the end in mind of getting this case to trial before the end of 1997.

August 12, 1996



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Robert Shostak, Esq.
Christopher Woods, Esq.
Quinton Lindsmith, Esq.
-Frank Merrill, Esq.