

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

FILED
SEP 30 1994
9:03 AM 4:18
WESTERN DIVISION

GREENE ENVIRONMENTAL :
COALITION, INC., :

Plaintiff, :

vs. :

SOUTHDOWN, INC., :

Defendant and :
Third-Party Plaintiff, :

vs. :

USX CORP., :

Third-Party Defendant. :

Case No. c-3-93-270
JUDGE WALTER HERBERT RICE

ENTRY JOURNALIZING RESULTS OF SETTLEMENT CONFERENCE
OF SEPTEMBER 30, 1994

Settlement negotiations were had with regard to this matter, among counsel, in the presence of the Court, on September 30, 1994. The results of said negotiations are as follows.

1. Within 60 days, experts retained by Defendant Southdown and Third-Party Defendant USX will arrive at a mutually acceptable plan for remediation of the site in question in this matter (Landfill No. 1).

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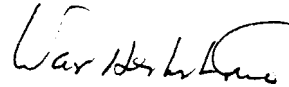
2. Within the same 60 day period, Plaintiff Greene Environmental Coalition (GEC) will submit to Southdown and to USX a list of proposed experts to be retained to represent the interests of GEC, and the parties (including both Southdown and USX) will agree upon the acceptability of one of the experts from said list. It is agreed that Southdown and USX will, together, pay the fees of the agreed upon expert, and that a cap as to said fees will be agreed upon among counsel.

3. At such time (by the conclusion of the 60 day time period described above) as the experts retained by Southdown and USX have arrived at a mutually acceptable remediation plan, counsel (either for Southdown or USX) will notify counsel for GEC. Upon such notification, counsel for GEC will arrange a meeting at which the experts retained by Southdown and USX will present their proposal to the expert representing the interests of GEC (whose identity will have been determined as described above). Said presentation will occur within 15 days of the conclusion of the 60 day time period described above. After the expert retained by GEC has reviewed the proposal, counsel for GEC will review the proposal.

4. At 5:00 PM on January 3, 1995, after GEC, through its expert and counsel, has had the opportunity to review the proposal, a conference call will be had, between the Court and counsel, to determine the status of the settlement negotiations.

5. It is agreed that any remediation proposal that results from these negotiations will be submitted to the Ohio EPA for its approval, and that all parties will urge such approval. Should Ohio EPA indicate that it will not approve the remediation proposal, the parties will return to negotiations in an effort to produce a remediation proposal acceptable to Ohio EPA.

September 29, 1994



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

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