

# ORIGINAL

## IN THE DISTRICT COURT OF KAY COUNTY STATE OF OKLAHOMA

CITY OF BLACKWELL, OKLAHOMA; and  
BLACKWELL MUNICIPAL AUTHORITY,

Plaintiffs

v.

FREEMPORT-MCMORAN COPPER & GOLD  
INC.; FREEMPORT-MCMORAN CORPORATION  
f/k/a PHELPS DODGE CORPORATION;  
CYPRUS AMAX MINERALS COMPANY; and  
BLACKWELL ZINC COMPANY, INC.,

Defendants

Case No. CJ-2009-15-B

Filed in the DISTRICT COURT  
Kay County, Oklahoma  
BLACKWELL DIV.

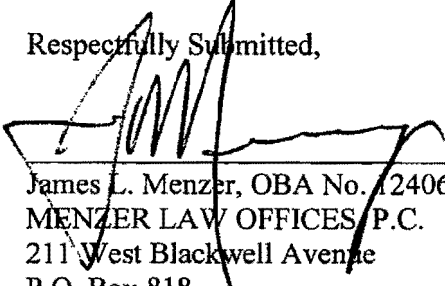
FEB 05 2010 *bcc*

BY  MARY RAMEY, Court Clerk  
DEPUTY

### DISMISSAL

COMES NOW the Plaintiffs, by and through their counsel of record, and dismiss: (1) all Released Claims in the above-styled action (as such term and claims are defined in the Parties' Settlement Agreement and Release effectively dated February 4, 2010) with prejudice to the refiling thereof; and (2) all Reserved Claims in the above-styled action (as such term and claims are defined in the Parties' Settlement Agreement and Release effectively dated February 4, 2010) without prejudice.

Respectfully Submitted,

  
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-and-

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ATTORNEYS FOR PLAINTIFFS

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>TH</sup> day of February 2010, a true and correct copy of the above and foregoing Dismissal was mailed, via U.S. First Class Mail, postage prepaid, to the following counsel of record:

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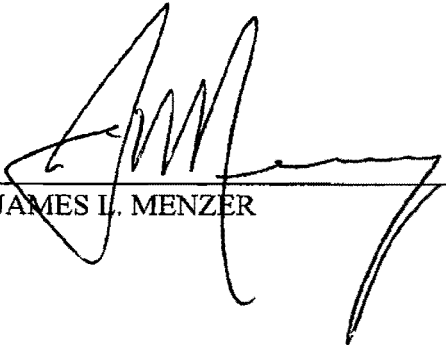
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