

DEC 29 2009

BY Mary Ramey Court Clerk
DEPUTY

IN THE DISTRICT COURT OF KAY COUNTY
STATE OF OKLAHOMA

CITY OF BLACKWELL, OKLAHOMA, and)
BLACKWELL MUNICIPAL AUTHORITY;)

Plaintiffs,)

v.)

Case No. CJ-2009-15B

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

Defendants.)

Proposed

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS
PURSUANT TO OKLA. STAT. TIT., 12 § 2012

On this day came on to be heard, the Motion to Dismiss Pursuant to OKLA. STAT. tit. 12, § 2012 ("Motion to Dismiss") filed by Freeport-McMoRan Copper & Gold Inc. ("FCX"), Freeport-McMoRan Corporation ("FMC") f/k/a Phelps Dodge Corporation ("Phelps Dodge"), Cyprus Amax Minerals Company ("Cyprus Amax"), and Blackwell Zinc Company, Inc. ("BZC"), Defendants in the above-entitled and captioned cause (collectively, "Defendants"). Having considered the pleadings and arguments of counsel, this Court is of the opinion that the Motion to Dismiss should in all things be granted. It is, therefore,

ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Dismiss is GRANTED and Defendants are in all things DISMISSED. It is further

ORDERED, ADJUDGED AND DECREED that Plaintiffs' claims and causes of action against Defendants are in all things **DISMISSED WITH PREJUDICE**.

SIGNED this _____ day of _____, 2010.

JUDGE PRESIDING