

MOTION NO. 1157

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A MOTION approving settlement agreements in the Western Liquid Asphalt Cases and authorizing the County Executive to execute and deliver Final Releases in accordance therewith.

WHEREAS counsel for King County entered tentative settlement agreements on 1 August 1972 with Witco Chemical Corporation and Robert L. Feldman and Edgington Oil Company in the Western Liquid Asphalt cases, "Master File No. 50173 R.E.S. Civil, in the United States District Court for the Northern District of California, and

WHEREAS King County desires to approve, ratify and finalize such agreements, and

WHEREAS Witco Chemical Corporation and Robert L. Feldman and Edgington Oil Company have requested that the Council of King County formally authorize, approve and ratify said settlement agreements and expressly authorize the County Executive to execute and deliver a final release in favor of said parties,

NOW, THEREFORE, BE IT MOVED by the Council of King County:

1. That the Settlement Agreements with Witco Chemical Corporation, Robert L. Feldman and Edgington Oil Company dated 1 August 1972, entered into on behalf of King County by its counsel are hereby authorized, approved and ratified.

2. That John D. Spellman be and he is hereby authorized to execute and deliver Final Releases to Witco Chemical Corporation, Robert L. Feldman and Edgington Oil Company in substantially the form of Exhibits C to the separate settlement agreements.

PASSED this 9th day of July, 1973.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

John T. O'Brien
Chairman

ATTEST:

Dorothy M. Olson
Deputy Administrator-Clerk
King County Council

FINAL RELEASE

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the County of King, State of Washington, acting by and through its duly authorized undersigned officer, does hereby release and discharge Witco Chemical Corporation and Robert L. Feldman, and each of them, and the present and former officers, directors, employees, agents, attorneys, subsidiaries, affiliates, and successors of each, including Golden Bear Oil Company, from any and all claims and demands of whatever nature, anticipated or unanticipated, known or unknown, as indicated below:

1. All claims and demands based in whole or in part on the facts, or any of them, asserted in the complaints or other pleadings, records or documents in those cases consolidated in In re Coordinated Pretrial Proceedings in the Western Liquid Asphalt Cases, Master File Number 50173 R. E. S. Civil.

2. All claims and demands based upon monopolization, or combination in restraint of trade, and unfair competition, liquid asphalt up to and including the date of this release.


3. Any and all claims and demands arising out of, or by virtue of, any alleged violations of the laws or regulations of the United States Government, or any agency thereof, or the laws of any of the several states or political divisions thereof, or any agency thereof, in connection with the manufacture, marketing and sale of liquid asphalt up to and including the date of this release.

This release is not intended to and does not release or in any way narrow any claims against any other person or entity, including any other defendant named in the case cited above.

Executed this 10th day of July, 1973.

By


JOHN D. SPELLMAN
County Executive


J. RICHARD QUIRK
Deputy Prosecuting Attorney
Attorney for Plaintiff