IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

IN RE: URETHANE ANTITRUST LITIGATION)))	MDL 1616 Civil No. 04-md-01616-JWL
This Document Relates To: The Polyether Polyol Cases		

STIPULATED ORDER REGARDING THE DOW CHEMICAL COMPANY'S MOTION TO STAY

WHEREAS, The Dow Chemical Company ("Dow") intends to appeal the judgment entered in this case;

WHEREAS, Dow moved to stay execution of the judgment pending appeal without being required to post a supersedeas bond (Dkt. No. 2887);

WHEREAS, subject to the approval of the Court, the Parties have agreed to resolve Dow's Motion by agreeing to the terms of this Stipulated Order.

ACCORDINGLY, upon the stipulation of Class Plaintiffs and Dow to the terms of this Order, and for good cause shown, **IT IS HEREBY ORDERED THAT**:

- 1. The term "judgment" for purposes of this Stipulated Order shall mean the final judgment entered by the Court on July 26, 2013. (Dkt. No. 2964)
- 2. The judgment is stayed pending final resolution of Dow's appeal.
- 3. Dow will post a bond in the amount of \$400 million within ten (10) business days of the entry of this order.
- 4. Dow agrees that if the judgment is affirmed after all of Dow's appellate and certiorari rights have been exhausted, Dow will pay the full amount of the judgment plus post-

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judgment interest by wire transfer or check within thirty (30) days into an escrow account

as instructed by Class Plaintiffs' counsel.

If Dow's long-term credit rating falls "below investment grade" by either Moody's or

Standard & Poor's at any time during the pendency of Dow's appeal, Class Plaintiffs may

move for imposition of a higher bond or other additional appropriate security. "Below

investment grade" means a "Ba1" or below rating by Moody's or a "BB+" or below

rating by Standard & Poor's.

5.

6. The District Court of Kansas retains jurisdiction over this matter and can enforce this

Stipulated Order and the judgment.

7. Dow agrees that it submits to jurisdiction of any District Court or state court where Dow

maintains assets and that all such courts can enforce orders issued by this Court enforcing

this Stipulated Order and the judgment against Dow's assets.

8. This stay shall remain in effect until thirty (30) days following (a) remand to the District

Court following completion of all proceedings in the United States Supreme Court, if a

petition for writ of certiorari is granted; (b) denial of any petition for writ of certiorari to

the United States Supreme Court; (c) expiration of the time to file a notice of appeal or a

petition for writ of certiorari if no such notice of appeal or petition is filed; or (d) until

such time as is otherwise ordered by the Court.

IT IS SO ORDERED this 1st day of October, 2013

s/ John W. Lungstrum

Hon. John W. Lungstrum United States District Judge