

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR INGHAM COUNTY

MICHAEL A. COX, Attorney General  
for the State of Michigan,  
*ex rel* MICHIGAN DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Case No. 89-64557-CE

Plaintiff,

Hon. Beverly Nettles-Nickerson

v.

REXAIR, INC., a Delaware Corporation,

Defendant.

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**ORDER**

At a session of said Court, held in  
the Circuit Courtrooms, County of Ingham,

State of Michigan, this  
24 day of March 2006

PRESENT: HONORABLE BEVERLEY NETTLES-NICKERSON  
Ingham County Circuit Court

Upon consideration of Plaintiff's Motion to Withdraw Plaintiff's Motion for Dispute  
Resolution under the Consent Judgment and Brief in Support Thereof; and,

Upon consideration of Defendant Rexair's Opposition to Plaintiff's Motion to Withdraw Plaintiff's Motion for Dispute Resolution under the Consent Judgment; and,

Having considered Plaintiff's Motion a motion to dismiss pursuant to MCR 2.504; and further,

Based upon the Court's inherent power to supervise matters before it,

IT IS ORDERED that Plaintiff's motion to dismiss shall be granted, and the underlying amended motion for dispute resolution shall be dismissed, upon the following conditions:

- 1) Plaintiff's motion to dismiss shall be granted with prejudice, and the amended motion for dispute resolution to which it refers shall be dismissed with prejudice;
- 2) Rexair shall be awarded its attorney fees and costs for the reasons set forth in Rexair's opposition brief.
- 3) Rexair's attorney fees and costs shall be determined at a hearing to be set by the Court.

BEVERLEY NETTLES-NICKERSON

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Honorable Beverley Nettles-Nickerson  
Circuit Court Judge