

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANGE PRODUCTION COMPANY,
a Delaware Corporation; and
RANGE RESOURCES CORPORATION,
a Delaware Corporation,

Defendants.

No. 3:11-CV-00116-F

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii) and (a)(1)(B)

WHEREAS, on December 7, 2010, the United States Environmental Protection Agency (“EPA”) issued an Imminent and Substantial Endangerment Administrative Order (“Administrative Order”) pursuant to Section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i, to Range Resources Corporation and Range Production Company;

WHEREAS, on January 18, 2011, the United States Department of Justice, acting at the request of EPA, commenced this civil action against Defendants Range Production Company and Range Resources Corporation (collectively, “Range”) seeking enforcement of the Administrative Order;

WHEREAS, on January 20, 2011, Range filed a Petition for Review of the Administrative Order by the Court of Appeals for the Fifth Circuit (“Petition” or “Court of Appeals case”);

WHEREAS, on March 21, 2011, Range moved to dismiss this action pursuant to Fed. R. Civ. P. 12;

WHEREAS, on June 20, 2011, this Court denied Range’s motion to dismiss without prejudice and entered a stay of this action pending the resolution of Range’s Petition for Review of the Administrative Order, pending before the Court of Appeals for the Fifth Circuit;

WHEREAS, on October 3, 2011, the Court of Appeals for the Fifth Circuit heard oral argument on Range's Petition for Review, which is sub judice before that Court.

WHEREAS, on March 29, 2012, EPA withdrew the Administrative Order that is the subject of both this civil action and the Petition pending before the Court of Appeals, thereby rendering moot both this action and the Petition proceedings;

WHEREAS, in light of EPA's withdrawal of the Administrative Order, the parties have agreed to simultaneously and immediately seek dismissal of both this action and the Court of Appeals case, and intend to file this Joint Stipulation in the Court of Appeals case;

NOW, THEREFORE, upon consent and agreement of the undersigned parties to this Joint Stipulation, it is hereby agreed and stipulated as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and (a)(1)(B), all parties to this action hereby stipulate to the dismissal of this action without prejudice, effective on the dismissal of Range's Petition, which shall be effectuated by Range in the Court of Appeals. Range shall, on the same date as this filing, file a copy of this Joint Stipulation as an attachment to the Motion to Withdraw Petition that it shall file in the Court of Appeals pursuant to Fed. R. App. P. 42(b) and Fifth Circuit Rule 42.1.

2. The parties agree that each party shall bear its own costs and attorneys' fees in connection with the Administrative Order, this matter, and in the Court of Appeals case.

For Plaintiff United States of America,

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U.S. Department of Justice

Dated: March 30, 2012

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For Range Resources Corporation and Range
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Dated: March 30, 2012

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