

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

State of Colorado,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No. 83-V-02383-JRC
Le Petomane XXV, Inc., not individually,	)	
but solely in its representative capacity as	)	
Trustee of the ASARCO Multi-State	)	
Custodial Trust,	)	
	)	
Defendant.	)	

**JOINT MOTION FOR ORDER  
TERMINATING CONSENT DECREE**

Defendant Le Petomane XXV, Inc., not individually, but solely in its representative capacity as Trustee of the ASARCO Multi-State Custodial Trust (“Defendant”), by its undersigned counsel, and the State of Colorado (“Plaintiff,” and together with Defendant the “Parties”) hereby jointly move for an order terminating that certain Final Consent Decree, Order, Judgment, and Reference to Special Master, As Modified, entered by the court in the above-captioned matter on July 15, 1993, and amended by order of the court dated January 6, 2012 (“Amended 1993 Consent Decree”). The Parties are requesting this order as a result of the intended conveyance of the property to which the 1993 Consent Decree applies (*i.e.*, the former Asarco Globe Plant) from the ASARCO Multi-State Custodial Trust to Globeville I, LLC (“Globeville”), as well as Globeville’s agreement to enter into an enforceable agreement with the Colorado Department of Public Health and the Environment (“CDPHE”) to ensure that the

remediation of the former Asarco Globe Plant is completed to Plaintiff's satisfaction. In light of the intended conveyance, Defendant requests that the effectiveness of the order terminating the Amended 1993 Consent Decree be made contingent upon the closing of this intended transaction and the effectiveness of the enforceable agreement between Globeville and CDPHE. For the reasons set forth in the accompanying Memorandum in Support of Defendant's Motion for Order Terminating Consent Decree, this motion should be granted.

Dated: August 7, 2014.

FOR PLAINTIFF:

JOHN W. SUTHERS  
COLORADO ATTORNEY GENERAL'S OFFICE  
*E-filed in accordance with C.R.C.P 121, §1-26; duly signed  
original on file with the Office of Attorney General for the  
State of Colorado*

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FOR DEFENDANT:

FOLEY & LARDNER LLP  
*E-filed in accordance with C.R.C.P 121, §1-26; duly  
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General for the State of Colorado*

By s/ Tanya C. O'Neill  
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