

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

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

**ORDER**

THIS MATTER is before the Court upon the parties’ joint motion for an order terminating that certain Final Consent Decree, Order, Judgment, and Reference to Special Master, As Modified, entered by the Court on July 15, 1993 and amended by order of the Court on January 6, 2012 (the “Amended 1993 Consent Decree”). The Court, having fully reviewed the matter, hereby

FINDS that for the reasons set forth in the parties’ Memorandum in Support of Joint Motion for Order Terminating Consent Decree, the Amended 1993 Consent Decree should be terminated. Accordingly, it is

ORDERED that the Amended 1993 Consent Decree is hereby terminated in its entirety, except as to those provisions that expressly survive termination under the terms of the Amended 1993 Consent Decree. It is

ORDERED that the State shall retain its rights to enforce the Consent Decree for the sole purpose of ensuring that the Trust expends the Remaining Contribution Funds, consistent with the Fourth Amendment to the Remediation and Development Agreement, if necessary. It is

FURTHER ORDERED that this order shall not become effective unless and until the following occur: (1) the transfer of the property to which the Amended 1993 Consent Decree applies, the former Asarco Globe Plant, from the ASARCO Multi-State Custodial Trust to Globeville I, LLC (“Globeville”) is complete and effective, as evidenced by the recording of a fully executed trustee’s quitclaim deed in the real property records of Denver and Adams counties; and (2) the enforceable agreement between Globeville and the Colorado Department of Public Health and the Environment (“CDPHE”) regarding the former Asarco Globe Plant is executed by both Globeville and CDPHE.

Dated:

BY THE COURT:

---

Wiley Y. Daniel  
Chief United States District Judge