

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NANCY SHER, JAMES R. ABEL, CAROL A.
CALECA, LOUIS GIOCONDO, BETTY L.
KEY, individually, and on behalf of all others
similarly situated,

Plaintiffs,

v.

RAYTHEON COMPANY,

Defendant.

Case No.: 8:08 -cv-889-T-33AEP

ORDER OF DISMISSAL

This matter comes before the Court on plaintiffs' unopposed Motion for Voluntary Dismissal and Memorandum of Law in Support.

1. Plaintiffs and their counsel have represented that, after an extensive expenditure of legal resources and a detailed review of the facts by their attorneys and experts, and in light of the procedural and substantive history of this case, they have concluded that:

- a. no class can properly be certified pertaining to environmental issues from the former Raytheon facility at 1501 72nd St. North in St. Petersburg, Florida;
- b. there is no basis for concluding that contamination relating to the Raytheon facility exists beyond the geographic boundary shown by the FDEP-approved "temporary point of compliance" line as generated by Arcadis for regulatory purposes;

- c. there is no basis for concluding that environmental issues relating to the Raytheon facility pose any threat to health (indeed, plaintiffs previously dropped any health claims); and
- d. there is no statistical evidence of any diminution in property values in the area, according to the work of Dr. Kilpatrick, Dr. Jackson, and Dr. Wilde, through the present date, due to environmental issues relating to the Raytheon facility.

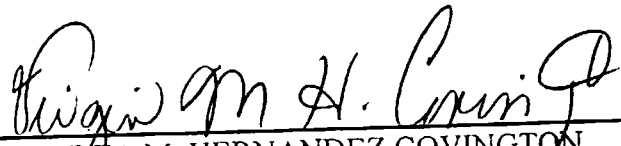
Plaintiffs and their counsel also have concluded that Raytheon's FDEP-approved Remedial Action Plan goes above and beyond what may be required under Florida law and will provide complete redress for properties within the FDEP-approved area.

2. Under these circumstances, plaintiffs and their counsel have elected not to pursue this class action and are withdrawing their class allegations, and the named plaintiffs hereby voluntarily dismiss their individual claims with prejudice while further acknowledging that they have no basis for bringing any claims of any kind about environmental issues relating to the Raytheon facility. The named plaintiffs also acknowledge that Raytheon will be providing funds intended for home improvement, as part of its corporate citizenship and overall efforts to support the community, in the amount of \$2500 for the named plaintiffs who are single-family homeowners within the FDEP-approved remedial area and \$250 for the named plaintiff who is a condominium owner within the FDEP-approved remedial area.

Upon consideration of the foregoing, as well as the presentations of the parties at a hearing on June 16, 2011, the record as a whole, and for good cause:

1. The named plaintiffs' claims are DISMISSED WITH PREJUDICE.
2. The Clerk of Court accordingly shall close the Court file in this matter.
3. Each side will bear its own fees.

DONE AND ORDERED in Chambers, in Tampa, Florida this 16th day of June, 2011.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies furnished to:
All Counsel of Record