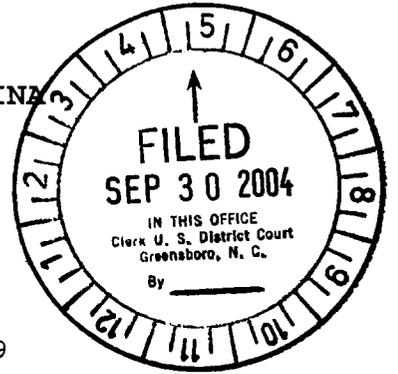


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D/LS

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



CROWN CORK & SEAL COMPANY, INC. )  
 and CLARK EQUIPMENT COMPANY, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 CBS CORPORATION, et al., )  
 )  
 Defendants. )  
 ----- )  
 CBS CORPORATION, et al., )  
 )  
 Third-Party Plaintiffs, )  
 )  
 v. )  
 )  
 INGERSOLL-RAND COMPANY, et al., )  
 )  
 Third-Party Defendants. )

1:99CV00869

O R D E R

On January 22, 2004, Recommendation No. 23 of the United States Magistrate Judge was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that plaintiffs' motion to dismiss defendant American National Can Corporation as a defendant from this lawsuit with prejudice, and further, that all cross-claims and third-party claims arising out of plaintiffs' claims for recovery of their RI/FS costs, RD/RA costs, or any other response costs against American National be barred (docket no. 411), and as joined in by defendant American National Can Corporation (docket no. 413),

are granted, and that the Court, in fact, dismisses all claims, including any cross-claim or third-party claim, against defendant American National with prejudice as a result of its settlement of plaintiffs' claims, and further, that the Court accepts the Uniform Comparative Fault Act proportionate share rule for this case so that plaintiffs' contribution claims against the non-settling defendants will be reduced by the fair share of American National Can Corporation.

**IT IS FURTHER ORDERED** that pursuant to Fed. R. Civ. P. 54(b) the Court determines that there is no just cause for delaying the entry of a final appealable judgment and, therefore, directs the entry of said judgment as to this Order.

*September 30*  
~~February~~, 2004

  
United States District Judge