

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: ORAL SODIUM PHOSPHATE	:	
SOLUTION-BASED PRODUCTS	:	
LIABILITY ACTION	:	Case No. 1:09-SP-80000
	:	(MDL Docket No. 2066)
	:	
THIS DOCUMENT RELATES TO	:	
ALL ACTIONS	:	JUDGE POLSTER
	:	
	:	<u>SETTLEMENT ORDER NO. 4</u>

As set out in Settlement Order No. 3, the undersigned met with Chartis Insurance Company on May 3, 2010 to discuss its participation in a full and final global settlement of this MDL. At that meeting, Chartis asserted it needed additional time to assess the Term Sheet agreed to by Fleet and the Plaintiffs Executive Committee (“PEC”), and also to review the Settlement Construct and Protocol. The Court agreed that Chartis could have two weeks for this review. The Court now makes clear the obligations of Chartis.

On or before May 17, 2010, Chartis will either: (1) agree to sign on to the settlement between the parties, as currently outlined in the Term Sheet; or (2) submit to the Court, Fleet, and the PEC the following: (a) specific and detailed reasons and explanations, supported by data or other evidence, demonstrating that the proposed settlement does not yield results that are in the interests of Fleet and/or Chartis, and that are less advantageous (from a global perspective and otherwise) than prior settlement payments made by Chartis (and all related companies) for Phospho-soda

claims; and (b) specific and detailed alternative settlement provisions, and explanations and reasons as to why these alternatives are superior.

If Chartis is at any time considering the latter choice, then Chartis must undertake every effort to meet and confer with Fleet and the PEC before May 17, 2010, to identify its specific reasons and explanations, and to obtain or confirm any information it needs to resolve or address any reservations it has about participation in the proposed global settlement.

Any information submitted by Chartis to the Court on or before May 17, 2010 shall be sufficient for the Court to evaluate the reasonableness of a determination by Chartis that the current proposed global settlement is not reasonable, and whether Chartis's determination is made in good faith.

IT IS SO ORDERED.

/s/ Dan Aaron Polster
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

DATED: May 7, 2010