

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
NL INDUSTRIES, INC., et al.,)	
)	
Defendants,)	
)	
and)	
)	
CITY OF GRANITE CITY, ILLINOIS, et al.,)	CASE NO. 91-CV-578-GPM
)	
Intervenor-Defendants,)	
)	
HONEYWELL INTERNATIONAL INC.,)	
JOHNSON CONTROLS, INC., and)	
LUCENT TECHNOLOGIES, INC.,)	
)	
Crossclaim and)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
A. MILLER & COMPANY, et al.,)	
)	
Crossclaim and)	
Third-Party Defendants.)	

ORDER DIRECTING ENTRY OF JUDGMENT

MURPHY, Chief District Judge:

This is before the Court on its own motion. After many years, this matter has concluded and it is time to enter Judgment. To facilitate the entry of Judgment, this Order summarizes the conclusion of this litigation.

I. THE INITIAL COMPLAINT

The initial complaint was brought by the United States against Defendants:

1. NL Industries, Inc.
2. First Granite City National Bank
3. St. Louis Lead Recyclers
4. Johnson Controls, Inc.
5. Exide Corporation
6. Ace Scrap Metal Processors, Inc.
7. Southern Scrap Iron & Metal Company, Inc.
8. Allied-Signal, Inc.
9. Gould, Inc.
10. General Battery Corp.
11. AT&T Company

A. CONSENT DECREES

On the initial complaint, Judgment has been entered by way of Consent Decrees between the United States and:

1. (Doc. 301) NL Industries, Inc.
2. (Doc. 294) Johnson Controls, Inc.
Exide Corporation
3. (Doc. 676) Ace Metal Scrap Processors, Inc.
4. (Doc. 204) Southern Scrap Iron & Metal Company, Inc.
5. (Doc. 294) Allied-Signal, Inc.
GNB Technologies, Inc. (as successor in interest to Gould, Inc.)
General Battery Corp.
Lucent Technologies, Inc. (as successor to AT&T Company)

B. VOLUNTARY DISMISSALS

The claims of the United States against St. Louis Lead Recyclers have been voluntarily dismissed with prejudice (Doc. 657). Accordingly, Judgment shall be entered in favor of St. Louis Lead Recyclers and against the United States.

The claims of the United States against First Granite City National Bank, *as Trustee for First Granite City National Bank Trust No. 454*, have been dismissed with prejudice (Doc. 91). Accordingly, Judgment shall be entered in favor of First Granite City National Bank, *as Trustee for First Granite City National Bank Trust No. 454*, and against the United States.

II. THIRD-PARTY CLAIMS BY NL INDUSTRIES, INC.

Defendant NL Industries, Inc., filed a Third-Party Complaint against various *de minimis* parties (Doc. 339). NL Industries filed this Third-Party Complaint jointly with Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc.

NL Industries, however, brought this Third-Party Complaint against a different list of parties than did Honeywell, Johnson, and Lucent. The Third-Party Defendants brought in by NL Industries are listed at Document 339, Exhibit A, and the Third-Party Defendants brought in by Honeywell, Johnson, and Lucent are listed at Document 339, Exhibit B.

A portion of NL Industries' third-party claims (Doc. 339, Exh. A) have been voluntarily dismissed with prejudice (Docs. 522, 480). Counts I, II, III, and IV of the Joint Amended Third-Party Complaint (Doc. 339) are dismissed with prejudice against the defendants listed immediately below. Accordingly, on Counts I, II, III, and IV of the Joint Amended Third-Party Complaint (Doc. 339), Judgment shall be entered against Third-Party Plaintiff NL Industries, Inc., and in favor of Third-Party Defendants:

1. A. Miller & Company
2. A. Tenebaum
3. ABF Metal Company
4. Ace Battery Incorporated
5. Afram Brothers Company
6. Alter Company
7. American Recycling Company
8. Anderson Steel, Inc.

9. Ashley Salvage
10. Atchinson & Brown Standard Service
11. Atlas Industries
12. Batco, Inc.
13. Battery Headquarters
14. Battery Salvage
15. Beckner Iron & Metal
16. Bell City Battery Company
17. Belson Scrap and Steel
18. Benjamin Air Rifle
19. Berkson Smelting Company
20. Berlinski & Sons
21. Bill Bergmeyer
22. Billiton Metals, Inc.
23. Bob Keller Batteries Warehouse
24. Bomgars Supply
25. Bruco Battery Company, Inc.
26. Calvert's Scrapyard, Inc.
27. Campbell's Soup Company
28. Cash's Scrap Metal & Iron
29. Cedartown Industries
30. Central Iron & Metal Company
31. Chanen's Inc.
32. Commercial Metals Company
33. Consolidated Waste Material Co., Inc.
34. D. Pollack & Sons
35. Del Rich Battery & Metal Company
36. Diamond Scrap Yard
37. Discount Battery Sales
38. Don Hibbler
39. Ed Parkinson
40. Eli Rosenman
41. Finer Iron & Metal Co., a/k/a/ Finer Metal Co.
42. Ft. Dodge Iron & Metal Co.
43. Gachman Metals Co.
44. Gary's Metal
45. General Waste Products
46. Glosser Metal Company
47. GT Metals
48. H. Brown Company, Inc.
49. I.C.M.S.
50. I. Deutch Company
51. Imperial Smelting Corporation
52. Inter City Metal Company

53. Intsel Corporation
54. J. Solomon & Sons, a/k/a Stephen P. Solomon
55. Jerry Prather, a/k/a Jerry Prather Metal Co.
56. Johnson Metal Company
57. K.W. Battery
58. Kamen Iron & Metal Company
59. Kemco Metal Processing
60. Kennecott Refining Corporation
61. Lake Iron & Metal Company
62. Lefton Iron & Metal Company
63. Lopez Scrap Metal, Inc.
64. M. Gervich & Sons, Inc.
65. M. Ruben Metal Company, Inc.
66. M.S. Kaplan Company
67. Madewell Metals Corporation
68. Madison Scale
69. Mardians Inc.
70. Max Schneider
71. Max Schwartzman & Sons, Inc.
72. Metal Recycling Corporation
73. Metro Metals Recyclers
74. Meyer Battery Service
75. Midwest Industrial Metals
76. Midwest Iron & Metal Co.
77. Missouri Iron & Metal Company, Inc.
78. Murphysboro Iron & Metal
79. O'Dell Iron & Metal Company
80. Ohio New & Rebuilt
81. Okon Iron & Metal Company
82. Old Ironsides, Inc.
83. Otto Lerche Firestone
84. Overland Metals, Inc.
85. Peoria Battery
86. Piolet Brothers Scrap Iron & Metal
87. Plumbing Joint Apprenticeship Training
88. Price Watson
89. Prime Battery Sales
90. Ramark Industries
91. Redfield Iron & Metal
92. Reliance Battery Company
93. Rex Curtsinger, Sr.
94. Reynolds Electric
95. Rich Battery & Metal Company
96. Roth Brothers Smelting

97. Ruben Metal Co., Inc., a/k/a M. Ruben Inc.
98. Sadoff Iron & Metal
99. Samuel Hide & Metal
100. Schupan & Sons, Inc.
101. Seidenfeld & Son Iron & Metal
102. S-G Metals Industries, Inc.
103. Shanfeld Bros. Metal Co.
104. Shanke Metals, Inc.
105. Sioux City Compressed Steel
106. Siskin Steel & Supply
107. Sol Alman Company
108. Sol Tick & Co. d/b/a Herb Tick Inc.
109. Springfield Battery Company
110. St. Louis Law Printing Co.
111. Standard Storage Battery Company
112. Steel Baling Co., Inc.
113. Straightway Iron & Metal Company
114. Sure-Start Battery
115. Top Metal Buyers d/b/a Eight & Trendly Metals
116. Trinity Scrap
117. U.S. Scrap & Metal Company
118. URPS Metal Company
119. V.H. Holmes & Sons
120. Vince Jacks Iron & Metal
121. Wadell Brothers Metal Co.
122. West End Hide & Fur
123. Western Gun & Supply
124. Westerville Creamery Company
125. Wicks Organ Company
126. William Lans Company
127. World Metal Buyers

A portion of NL Industries' third-party claims (Doc. 339, Exh. A) have been voluntarily dismissed without prejudice (Doc. 621). Counts I, II, III, and IV of the Joint Amended Third-Party Complaint (Doc. 339) are dismissed without prejudice against the defendants listed immediately below. Accordingly, Judgment shall be entered against Third-Party Plaintiff NL Industries, Inc., and in favor of Third-Party Defendants:

1. A&W Battery
2. Aaron Ferer & Sons Company

3. Ace Scrap Metal Processors, Inc.
4. Acme Battery Manufacturing Co.
5. Active Metal Company
6. Aetna Metals
7. Albin Co.
8. Asarco Incorporated
9. Astron Manufacturing
10. B.C. Battery
11. Becker Metals Corporation
12. Bert Bollinger
13. Billow Morrow
14. Bill's Salvage
15. Bob Bernstein
16. Briggs Used Auto Parts
17. C&D Battery d/b/a C&D Charter Power
18. Charles W. Johnson
19. Chemetco, Inc.
20. Chicago Battery
21. Comfort Printing and Stationary Co.
22. Commercial Iron & Metal Co.
23. Continental Commodities
24. Delta Metals
25. Diversified Metals Corporation
26. Duggan Industries
27. Dura Built Auto
28. E.J. Pfeifer Iron & Metal
29. Federal Iron & Metal Company
30. Feinberg Bros.
31. Fleenor Battery Wholesale Inc.
32. Fundamental Metal and Mineral Corp.
33. Galaxy Metals
34. Gateway E-Z Co.
35. Gopher Smelting & Refining Company
36. Graham Metal Corporation
37. H. Brecker & Son
38. H.S. Kaplan Scrap Iron & Metal
39. Harold Rodick
40. Henry Rautbort
41. Highland Park Waste Material
42. I.J. Sobel & Sons
43. Inland Metals Refining Company
44. J&I Metal Company
45. James T. Tessem
46. Kansas City Battery Company

47. Kasmar Metals, Inc.
48. Kavanaugh Salvage
49. Ladyman Engineering Enterprises
50. Leslie Cooper Battery & Metal Company
51. Lissner Corporation
52. Luria Brothers & Company, Inc.
53. Mac Glashern Enterprises
54. Macco Industries
55. Madewell & Madewell
56. Master Metals
57. Metram, Inc.
58. Mid-Missouri Metals
59. Mike Asfoor & Sons
60. Morriment, Inc.
61. National Typographer, Inc.
62. New Castle Junk Company
63. Norm's Metal Company
64. Northern Metals, Inc.
65. Pollack Hide & Fur
66. Prairie Steel Co.
67. Price Metal
68. Reeves Scrap Metal
69. Renu Battery Service
70. Romak Industries
71. Rosen Metals, Inc.
72. S&R Metal Company
73. Salvage Battery & Lead Co.
74. Sanders Lead Company
75. Schwartz Metal Processors & Trade
76. Spartan Printing Company
77. St. Louis Lead Recyclers
78. Standard Lead Co., Inc.
79. Stanley Toeppen
80. Summit Steel
81. Suppo Smelting & Refining Company
82. Swan Rubber Company
83. Tech-Sil, Inc.
84. Thermal Corporation
85. Triangle Metallurgical, Inc.
86. U.S. Steel Lead Refinery, Inc.
87. Union Compressed Steel
88. United Scrap Lead Company, Inc.
89. W.R. Lewis Supply Company
90. West Kentucky Battery, Inc.

91. Western Auto Supply Company
92. William S. Lasich & Sons

III. THIRD-PARTY CLAIMS BY HONEYWELL, JOHNSON, AND LUCENT

As noted, Defendants Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., brought a Third-Party Complaint jointly with NL Industries against numerous *de minimis* parties (Doc. 339, Exh. B). Later, however, Honeywell, Johnson, and Lucent filed an Amended Third-Party Complaint (Doc. 528). Although the first Third-Party Complaint was filed jointly with NL Industries, the Amended Third-Party Complaint (Doc. 528) was filed *only* by Honeywell, Johnson, and Lucent. As such, Counts V and VI of the joint Third-Party Complaint (Doc. 339) have been superseded by Counts V and VI of the Amended Third-Party Complaint (Doc. 528).

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 339, Exh. B) have been voluntarily dismissed with prejudice (Docs. 522, 503, Att. A). Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed with prejudice against the defendants listed immediately below. Accordingly, on Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants:

1. A. Tenebaum
2. Ashley Salvage
3. Behr Metal/Division of Joe Behr & Sons
4. Berlinski & Sons
5. Bob Keller Batteries Warehouse
6. Bomgars Supply
7. CBC Inc.
8. Campbell's Soup Company
9. Consolidated Waste Material Co., Inc.

10. Crown Battery
11. Delco-Remy Division of General Motors Corp.
12. Eli Rosenman
13. Fisher Body Division of General Motors Corp.
14. Ford Motor Company
15. Ft. Dodge Iron & Metal Co.
16. Gachman Metals Company
17. General Motors Corp.
18. Imperial Smelting Corporation
19. Intsel Corporation
20. J.C. Penney Co.
21. K.W. Battery
22. Kamen Iron & Metal Company
23. Larry Goad & Co.
24. Lopez Scrap Metal, Inc.
25. M. Gervich & Sons, Inc.
26. Metal Recycling Corporation
27. Midwest Industrial Metals
28. Missouri Iron & Metal Company, Inc.
29. Overland Metals, Inc.
30. Price Watson
31. Sadoff Iron & Metal
32. Samuel Hide & Metal
33. Schupan & Sons, Inc.
34. Shapiro Brothers
35. Sheer Shooting Supplies
36. Sioux City Compressed Steel
37. Siskin Steel & Supply
38. Sol Alman Company
39. Staab Battery
40. Tri-City Scrap Co.
41. V.H. Holmes & Sons
42. West End Hide & Fur
43. West End Iron & Metal Co.
44. Western Gun & Supply
45. Westerville Creamery Company

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 339, Exh. B) have been voluntarily dismissed without prejudice (Docs. 522, 503, Att. B, 504). Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed without prejudice against the defendants listed immediately below. Accordingly, on

Counts V and VI of the Amended Third-Party Complaint, Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants:

1. M.S. Kaplan Company
2. Madison Scale
3. Meyer Battery Service
4. St. Louis Law Printing Co.
5. Vince Jacks Iron & Metal
6. World Metal Buyers¹

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) have been voluntarily dismissed with prejudice (Docs. 623, 620, Exh. A). Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed with prejudice against the defendants listed immediately below. Accordingly, on Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants:

1. Belson Scrap and Steel
2. Billiton Metals, Inc.
3. Herb Tick, Inc. f/k/a/ Sol Tick & Company
4. Metro Metals Recyclers
5. O'Dell Iron & Metal Company
6. Springfield Battery Company
7. Wicks Organ Company

¹Note that Doc. 504 also purports to dismiss: 1) Arrow Star, 2) Mervis Supply, and 3) Middleby Marshall. According to counsel for Honeywell, Johnson, and Lucent, the parties substituted for these entities are Okon Iron & Metal, Herb Tick, Inc., and Reynolds Electric, respectively. Neither Arrow Star, Mervis Supply, nor Middleby Marshall were ever named in a complaint, however, thus, Judgment need not be entered on these entities.

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) have been voluntarily dismissed without prejudice (Docs. 623, 620, Exh. A). Accordingly, Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed without prejudice against the defendants listed immediately below. On Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants:

1. Batco, Inc.
2. Batson Scale f/k/a Madison Scale
3. Jerry Prather Metal Co.
4. Seidenfeld, Inc. f/k/a Seidenfeld & Son Iron & Metal Inc.
5. Sure Start Battery & Tire Co. f/k/a Sure Start Battery

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) have been voluntarily dismissal with prejudice (Docs. 638, 636). Accordingly, Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed with prejudice against the defendants listed immediately below. On Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants:

1. Bell City Battery Company
2. Gary's Metal
3. General Waste Products
4. Lefton Iron and Metal Company
5. Steel Bailing Co., Inc.

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) have been voluntarily dismissed with prejudice (Docs.

658, 656). Accordingly, Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed with prejudice against the defendants listed immediately below. On Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants:

1. Alter Company
2. Rich Metals Co. f/k/a Rich Battery & Metal Co.

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) have been voluntarily dismissed with prejudice (Docs. 674, 673). Accordingly, Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed with prejudice against the defendants listed immediately below. On Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants:

1. Ace Battery Incorporated
2. Battery Salvage
3. GT Industries f/k/a GT Metals
4. Shanke Metals, Inc.
5. Mixon, Inc. f/n/a Standard Storage Battery Company
6. Top Metal Buyers, Inc. d/b/a Eight & Trendly Metals

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) have been voluntarily dismissed with prejudice (Docs. 684, 682). Accordingly, Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed with prejudice against the defendants listed immediately below. On Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party

Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants:

1. A. Miller & Company
2. Max Schwartzman & Sons, Inc.
3. Straightway Iron & Metal Company
4. Rose Rosen & The Estate of Albert Rosen
5. Wadell Brothers Metal Company

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) have been voluntarily dismissed with prejudice (Docs. 690, 688). Accordingly, Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed with prejudice against Third-Party Defendant Nikko Materials USA Inc., d/b/a Gould Electronics, Inc., f/k/a Gould Inc. On Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendant Nikko Materials USA Inc., d/b/a Gould Electronics, Inc., f/k/a Gould Inc.

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) are dismissed for failure to prosecute. Counts V and VI of the Amended Third-Party Complaint (Doc. 528) are dismissed without prejudice against Third-Party Defendants Helen Adelstein and Louis Adelstein. On Counts V and VI of the Amended Third-Party Complaint (Doc. 528), Judgment shall be entered against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and in favor of Third-Party Defendants Helen Adelstein and Louis Adelstein.

A portion of the third-party claims of Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc. (Doc. 528) have been resolved by Default Judgment. Specifically,

Default Judgment has been entered against each individual defaulting Third-Party Defendant in the sum-certain amount indicated below and in favor of Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc.:

<u>Company</u>	<u>Judgment Amount</u>
ABF Metal Company	\$ 275,552.45
Afram Brothers Company	33,160.21
Anderson Steel, Inc.	21,542.10
Battery Headquarters	9,526.31
Beckner Iron & Metal	7,987.02
Benjamin Air Rifle	14,989.35
Bill Bergmeyer	14,485.76
Calvert's Scrapyard, Inc.	64,771.15
Cedartown Industries	22,180.00
Central Iron & Metal Company	291,737.08
Chanen Scrap & Steel, Inc., f/k/a Chanen's, Inc.	219,605.18
Rich Metals Co., f/k/a Del Rich Battery & Metal Co.	265,243.96
Diamond Scrap Industries f/k/a Diamond Scrap Yard	13,078.44
Ed Parkinson	570,352.60
Finer Iron & Metal Co. f/k/a Finer Metal Company	884,047.56
Glosser Metal Co.	4,640.06
H. Brown Company, Inc.	42,246.25
I.C.M.S.	2,781.02
Johnson Recycling & Trading LLC f/k/a/Johnson Metal Co.	30,272.37
Kennecott Corporation f/k/a/Kennecott Refining Corp.	4,709.92
Midwest Iron & Metal Co.	2,180.07
Ohio New & Rebuilt	17,744.00
Okon Iron & Metal Company	37,145.62
Otto Lerche Firestone	99,865.45
Pielet Brothers Scrap Iron & Metal	26,808.97
Prime Battery Sales	18,378.35
Redfield Iron & Metal	4,986.06
Battery Specialists & Golf Cars f/k/a Rex Curtsinger Sr.	95,433.89
Roth Brothers Smelting	52,876.68
Ruben Metal Co., Inc.	17,285.54
U.S. Scrap & Metal Company	21,831.11
URPS Metal Company	4,611.22
William Lans Company	1,109.00

IV. COUNTERCLAIMS

A. Counterclaims by Intervenors Granite City, Lafayette H. Hochuli, and Daniel M. McDowell against the United States

The Counterclaims by Intervenors Granite City, Lafayette H. Hochuli, and Daniel M. McDowell against the United States have been withdrawn due to settlement (Doc. 169).

B. Counterclaims by Defendants General Battery, Exide, AT&T, Johnson Controls, NL Industries, Allied-Signal, Inc., and Gould against the United States

The Counterclaims by Defendants General Battery, Exide, AT&T, Johnson Controls, NL Industries, Allied-Signal, Inc., and Gould against the United States have been withdrawn due to settlement (Doc. 169).

C. Counterclaims by Third-Party Defendant Bell City Battery against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., Lucent Technologies, Inc., and NL Industries, Inc.

The Counterclaims by Third-Party Defendant Bell City Battery against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., Lucent Technologies, Inc., and NL Industries, Inc., were dismissed with prejudice upon dismissal of the Third-Party Complaint (Doc. 522). Accordingly, on Bell City Battery's Counterclaims, Judgment shall be entered in favor of the Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., Lucent Technologies, Inc., and NL Industries and against Bell City Battery.

D. Counterclaims by Third-Party Defendant Alter Company against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc.

The Counterclaims by Third-Party Defendant Alter Company against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., were dismissed with prejudice upon dismissal of the Third-Party Complaint (Docs. 656, 658).

Accordingly, on Alter Company's Counterclaims, Judgment shall be entered in favor of the Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and against Third-Party Defendant Alter Company.

E. Counterclaims by Third-Party Defendant Ace Battery, Inc., against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc.

The Counterclaims by Third-Party Defendant Ace Battery, Inc., against Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., were dismissed with prejudice upon dismissal of the Third-Party Complaint. Accordingly, on Ace Battery's Counterclaims, Judgment shall be entered in favor of the Third-Party Plaintiffs Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., and against Third-Party Defendant Ace Battery, Inc.

V. CROSSCLAIMS

A. Crossclaims by Defendants Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., against Gould Electronics, Inc., Gould Inc., and Nikko Materials, U.S.A., Inc.

The Crossclaims by Defendants Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc., against Gould Electronics, Inc., Gould Inc., and Nikko Materials, U.S.A., Inc., were dismissed voluntarily with prejudice (Doc. 690). Accordingly, on these Crossclaims, Judgment shall be entered in favor of Gould Electronics, Inc., Gould Inc., and Nikko Materials, U.S.A., Inc., and against Defendants Honeywell International, Inc., Johnson Controls, Inc., and Lucent Technologies, Inc.

B. Crossclaims by Third-Party Defendant Bell City Battery against various parties

The Crossclaims by Third-Party Defendant Bell City Battery Company against various parties (Doc. 415) were dismissed upon dismissal of the Third-Party Complaint (Docs. 638, 522). Accordingly, on these Crossclaims, Judgment shall be entered against Bell City Battery Company and in favor of:

1. A&W Battery
2. A. Miller & Company
3. A. Tenebaum
4. ABF Metal Company
5. Aaron Ferer & Sons Company
6. Ace Battery Incorporated
7. Ace Scrap Metal Processors, Inc.
8. Acme Battery Manufacturing Co.
9. Active Metal Company
10. Aetna Metals
11. Afram Brothers Company
12. Albin Co.
13. Alter Company
14. American Recycling Company
15. Anderson Steel
16. Asarco Incorporated
17. Ashley Salvage
18. Astron Manufacturing
19. Atchinson & Brown Standard Service
20. Atlas Industries
21. B.C. Battery
22. Batco, Inc.
23. Battery Headquarters
24. Battery Salvage
25. Becker Metals Corporation
26. Beckner Iron & Metal
27. Behr Metal / Division of Joe Behr & Sons
28. Belson Scrap and Steel
29. Benjamin Air Rifle
30. Berkson Smelting Berlinski & Sons
31. Berlinski & Sons
32. Bert Bollinger
33. Bill Bergmeyer
34. Bill's Salvage

35. Billiton Metals, Inc.
36. Billow Morrow
37. Bob Bernstein
38. Bob Keller Batteries Warehouse
39. Bomgars Supply
40. Briggs Used Auto Parts
41. Bruco Battery Company, Inc.
42. C&D Battery d/b/a C&D Charter Power
43. Calvert's Scrapyard, Inc.
44. Campbell's Soup Company
45. Cash's Scrap Metal & Iron
46. Cedartown Industries
47. Central Iron & Metal Company
48. Chanen's Inc.
49. Charles W. Johnson
50. Chicago Battery
51. Comfort Printing and Stationary Co.
52. Commercial Iron & metal Co.
53. Commercial Metals Company
54. Consolidated Waste Material Co., Inc.
55. Continental Commodities
56. D. Pollack & Sons
57. Del Rich Battery & Metal Company
58. Delta Metals
59. Diamond Scrap Yard
60. Discount Battery Sales
61. Diversified Metals Corporation
62. Don Hibbler
63. Duggan Industries
64. Dura Built Auto
65. E.J. Pfeifer Iron & Metal
66. Ed Parkinson
67. Eli Rosenman
68. Federal Iron & Metal Company
69. Feinberg Bros.
70. Finer Metal Company
71. Fleenor Battery Wholesale
72. Ft. Dodge Iron & Metal Co.
73. Fundamental Metal and Mineral Corp.
74. GT Metals
75. Gachman Metals Company
76. Galaxy Metals
77. Gary's Metal
78. Gateway E-Z Co.

79. General Waste Products
80. Glosser Metal Company
81. Gopher Smelting & Refining Company
82. Graham Metal Corporation
83. H. Brecker & Son
84. H. Brown Company, Inc.
85. H.S. Kaplan Scrap Iron & Metal
86. Harold Rodick
87. Henry Rautbort
88. Highland Park Waste Material
89. I. Deutch Company
90. I.C.M.S.
91. I.J. Sobel & Sons
92. Imperial Smelting Corporation
93. Inland Metals Refining Company
94. Inter City Metal Company
95. Intsel Corporation
96. J&I Metal Company
97. J. Solomon & Sons, a/k/a Stephen P. Solomon
98. James T. Tessem
99. Jerry Prather, a/k/a Jerry Prather Metal Co.
100. Johnson Metal Company
101. K.W. Battery
102. Kamen Iron & Metal Company
103. Kansas City Battery Company
104. Kasmar Metals, Inc.
105. Kavanaugh Salvage
106. Kemco Metal Processing
107. Kennecott Refining Corporation
108. Ladyman Engineering Enterprises
109. Lake Iron & Metal Company
110. Lefton Iron & Metal Company
111. Leslie Cooper Battery & Metal Company
112. Lissner Corporation
113. Lopez Scrap Metal, Inc.
114. Luria Brothers & Company Inc.
115. M. Gervich & Sons, Inc.
116. M. Ruben Metal Company, Inc.
117. M.S. Kaplan Company
118. Mac Glashern Enterprises
119. Macco Industries
120. Madewell & Madewell
121. Madewell Metals Corporation
122. Madison Scale

123. Mardians Inc.
124. Master Metals
125. Max Schneider
126. Max Schwartzman & Sons, Inc.
127. Metal Recycling Corporation
128. Metram, Inc.
129. Metro Metal Recyclers
130. Meyer Battery Service
131. Mid-Missouri Metals
132. Midwest Industrial Metals
133. Midwest Iron & Metal Co.
134. Mike Asfoor & Sons
135. Missouri Iron & Metal Company, Inc.
136. Morrimet, Inc.
137. Murphysboro Iron & Metal
138. National Typographer, Inc.
139. New Castle Junk Company
140. Norm's Metal Company
141. Northern Metals, Inc.
142. O'Dell Iron & Metal Company
143. Ohio New & Rebuilt
144. Okon Iron & Metal Company
145. Old Ironsides, Inc.
146. Otto Lerche Firestone
147. Overland Metals, Inc.
148. Peoria Battery
149. Piolet Brothers Scrap Iron & Metal
150. Plumbing Joint Apprenticeship Training
151. Pollack Hide & Fur
152. Prairie Steel Company
153. Price Metal
154. Price Watson
155. Prime Battery Sales
156. Ramark Industries
157. Redfield Iron & Metal
158. Reeves Scrap Metal
159. Reliance Battery Company
160. Renu Battery Service
161. Rex Curtsinger, Sr.
162. Reynolds Electric
163. Rich Battery & Metal Company
164. Romak Industries
165. Rosen Metals, Inc.
166. Roth Brothers

167. Ruben Metal Co., Inc.
168. S&R Metal Company
169. S-G Metals Industries, Inc.
170. Sadoff Iron & Metal
171. Salvage Battery & Lead Co.
172. Samuel Hide & Metal
173. Sanders Lead Company
174. Schupan & Sons, Inc.
175. Schwartz Metal Processors & Trade
176. Seidenfeld & Son Iron & Metal
177. Shanfeld Bros. Metal Co.
178. Shanke Metals, Inc.
179. Sioux City Compressed Steel
180. Siskin Steel & Supply
181. Sol Alman Company
182. Sol Tick & Co. d/b/a Herb Tick Inc.
183. Spartan Printing Company
184. Springfield Battery Company
185. St. Louis Law Printing Co.
186. Str. Louis Lead Recyclers
187. Standard Lead Co., Inc.
188. Standard Storage Battery Company
189. Stanley Toebben
190. Steel Baling Co., Inc.
191. Straightway Iron & Metal Company
192. Summit Steel
193. Suppo Smelting & Refining Company
194. Sure-Start Battery
195. Swan Rubber Company
196. Tech-Sil, Inc.
197. Thermal Corporation
198. Top Metal Buyers d/b/a Eight & Trendly Metals
199. Triangle Metallurgical, Inc.
200. Trinity Scrap
201. U.S. Scrap & Metal Company
202. U.S. Steel Lead Refinery, Inc.
203. URPS Metal Company
204. Union Compressed Steel
205. United Scrap Lead Company, Inc.
206. V.H. Holmes & Sons
207. Vince Jacks Iron & Metal
208. W.R. Lewis Supply Company
209. Wadell Brothers Metal Company
210. West End Hide & Fur

211. West Kentucky Battery, Inc.
212. Western Auto Supply Company
213. Western Gun & Supply
214. Westerville Creamery Company
215. Wicks Organ Company
216. William Lans Company
217. William S. Lasich & Sons
218. World Metal Buyers

VI. SUMMARY

Based on the above, this action is **DISMISSED**. The Clerk of the Court is **DIRECTED** to enter Judgment accordingly.

IT IS SO ORDERED.

DATED: 03/30/07

s/ G. Patrick Murphy

G. PATRICK MURPHY
Chief United States District Judge