

OHIO TURNPIKE COMMISSION

Resolution Authorizing Settlement of Lawsuit
Filed in the United States District Court in
Minnesota Against International Salt Company

WHEREAS the Commission had claims against International Salt Company by virtue of purchases of sodium chloride, commonly known as rock salt, covering a period from January 1, 1956 up to and including June 28, 1961, which claims were not able to be recognized or settled without the institution of a lawsuit;

WHEREAS the Commission therefore filed a certain civil action in the United States District Court, District of Minnesota, Fourth Division, No. 4-66 Civ. 354, entitled Ohio Turnpike Commission, Plaintiff, v. International Salt Company, Defendant, which lawsuit was filed on October 12, 1966 and was instituted by the Commission under provisions of the federal statutes granting rights to private plaintiffs to recover damages in such cases;

WHEREAS the Commission's action was thereafter prosecuted by the Commission's counsel and certain favorable rulings of the District Court as a result of pretrial hearings were subsequently affirmed by the United States Circuit Court of Appeals at St. Louis, Missouri and thereafter an appeal by a Petition for Writ of Certiorari was taken by the International Salt Company to the United States Supreme Court, which appeal is presently pending; and

WHEREAS an offer on the part of International Salt Company has now been received by the Commission whereunder the company agrees to pay \$125,000 to the Commission on or before January 15, 1969 without interest, under circumstances whereby the Commission will provide International Salt Company with a release and will agree to a court entry of dismissal of its pending lawsuit at the time of payment, such dismissal to be with prejudice, with each party bearing its own cost;

NOW, THEREFORE, BE IT

RESOLVED that the Commission, upon consideration of said settlement offer which bears the approval of Commission's general counsel and that of trial counsel in Minneapolis, Minnesota, hereby approves the said settlement; and

FURTHER RESOLVED that simultaneously with the receipt of said amount of \$125,000 the Commission directs its executive director to deliver a release to International Salt Company of all claims asserted in the Commission's lawsuit pending in the federal courts, said release to be executed by the executive director if and when approved by general counsel, which release shall also authorize counsel to consent to and approve dismissal of the Commission's pending lawsuit with prejudice, with each party bearing its own cost.

(Resolution No. 23 -1968 adopted November 5, 1968)

Copies hereof distributed 11/7/68 to:

Executive Director
 Comptroller
 Director of Information & Research
 Chief Engineer
 J. E. Greiner Co.
 Squire, Sanders & Dempsey
 State Auditor - Agnes Lucas