

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

) IN RE URETHANE ANTITRUST LITIGATION ) )	
) THIS DOCUMENT RELATES TO: ) CLASS ACTION POLYETHER POLYOL CASES ) )	Case No. 04-md-1616-JWL-JPO

**THE DOW CHEMICAL COMPANY’S  
MOTION TO AMEND THE MAY 15, 2013 JUDGMENT**

The Dow Chemical Company moves the Court to amend the Judgment in a Civil Case (Dkt. 2880). As explained fully in the supporting memorandum, which is incorporated herein, the judgment must be amended to conform to verdict.<sup>1</sup> The judgment fails to reflect the jury’s finding that Dow has no liability for transactions predating November 24, 2000. Furthermore, for the period after November 23, 2000, the verdict does not support entry of judgment “against” Dow and “in favor” of the “plaintiff class,” as the Judgment in a Civil Case currently states. The judgment also improperly trebles the “aggregate” damages figure stated on the verdict form, rather than applying trebling to the individual damages of each class member, which were never determined at trial. In short, the verdict does not support or permit the entry of judgment in favor of the plaintiff class or any class member. However, if and to the extent a judgment addresses the issue of any damages owed to plaintiffs, Dow is entitled to an offset any damages by \$139.3 million.

For all these reasons, and those stated in the supporting memorandum, Dow asks the Court to amend the judgment to (1) find in favor of Dow on all transactions up to November 24, 2000, and (2) remove the entry of judgment “against” Dow and “in favor of the plaintiff class.”

---

<sup>1</sup> Dow maintains all of its arguments about and against the verdict (as well as all arguments, filings and objections made before, during and after trial). This motion addresses aspects of the judgment that should be amended even if the current verdict remains unaltered.

Respectfully submitted,

STINSON MORRISON HECKER LLP

By s/ Brian R. Markley

Brian R. Markley, KS 17485  
bmarkley@stinson.com  
Sara E. Welch, KS 16350  
swelch@stinson.com  
1201 Walnut, Suite 2200  
Kansas City, Missouri 64106  
Telephone: (816) 842-8600  
Facsimile: (888) 290-2657

BOIES, SCHILLER & FLEXNER LLP

David M. Bernick  
575 Lexington Ave., 7th Floor  
New York, NY 10022  
Telephone: (212) 446-2356  
Facsimile: (212) 446-2350

Scott E. Gant  
5301 Wisconsin Ave., N.W.  
Washington, DC 20015  
Telephone: (202) 237-2727  
Facsimile: (202) 237-6131

PAUL HASTINGS LLP

Hamilton Loeb  
Jeremy P. Evans  
875 15th Street, N.W.  
Washington, DC 20005  
Telephone: (202) 551-1700  
Facsimile: (202) 551-1705

Donald Morrow  
695 Town Center Drive  
Seventeenth Floor  
Costa Mesa, CA 92626  
Telephone: (714) 668-6291  
Facsimile: (714) 668-6391

COUNSEL FOR THE DOW CHEMICAL COMPANY

AND

CLEARY GOTTlieb STEEN & HAMILTON LLP

George S. Cary  
Michael Lazerwitz  
Thomas Moloney  
2000 Pennsylvania Avenue, NW  
Washington, DC 20006  
Telephone: (202) 974-1500  
Facsimile: (202) 974-1999

OF COUNSEL FOR THE DOW CHEMICAL COMPANY

**Certificate of Service**

On June 6, 2013, I caused a copy of this document to be filed with the Court through the ECF system, which provides electronic service of the filing to all counsel of record who have registered for ECF notification in this matter.

*s/ Brian R. Markley*  
Attorney for The Dow Chemical Company