

**STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT**

THE STATE OF NEW MEXICO, ex rel.
RAÚL TORREZ, ATTORNEY GENERAL,

Plaintiff,

v.

No. D-307-CV-2020-02629

STERIGENICS U.S., LLC, SOTERA
HEALTH HOLDINGS, LLC, SOTERA
HEALTH LLC, and SOTERA HEALTH
COMPANY,

Defendants.

STIPULATED CONSENT ORDER DISSOLVING PRELIMINARY INJUNCTION

WHEREAS, on December 22, 2020, the State of New Mexico filed its Verified Complaint With Jury Demand and Ex Parte Request for Temporary Restraining Order and Preliminary Injunction to remedy the Defendants' alleged violations of law in the operation of Sterigenics U.S., LLC's medical-products sterilization facility located in Santa Teresa, New Mexico (the "Facility"), and the Defendants have denied any liability and denied that any emissions of ethylene oxide ("EtO") from the Facility caused any of the harms alleged by the State;

WHEREAS, on June 29, 2021, the Court entered an Order preliminarily enjoining Sterigenics U.S., LLC from engaging in certain conduct that the State alleged causes, makes, facilitates, or otherwise allows uncontrolled emissions or releases of EtO from the Facility (the "Preliminary Injunction");

WHEREAS, on December 22, 2021, the Court entered an Order requiring Sterigenics U.S., LLC, among other things, to install and operate a negative pressure and dry-bed bank

system (the “Negative Pressure System”) approved by the New Mexico Environment Department (“NMED”) under Air Quality Bureau New Source Review Permit No. 0733-M15-R2;

WHEREAS, Sterigenics U.S., LLC has complied with the December 22, 2021 Order in all respects, including the installation and operation of the Negative Pressure System;

WHEREAS, the Parties have reached a settlement that fully and finally resolves the claims asserted, or that could have been asserted, in this action, without any admission of liability or wrongdoing by any Defendant;

WHEREAS, the Parties agree that by entering this Consent Order, the Court makes no new determination as to the veracity of any allegation or the merits of any claim or defense in the case and the Parties agree that the entry of this Consent Order shall not be interpreted as including any admission by the Defendants as to any allegations of in the Verified Complaint or Verified Amended Complaint.;

WHEREAS, as part of their settlement, the Parties have stipulated and agreed that the Preliminary Injunction should be dissolved, and have jointly submitted this Stipulated Consent Order to the Court;

NOW, THEREFORE, upon the stipulation and consent of the Parties, and the Court being fully advised, the Court finds that good cause exists for the entry of this Order, and it is hereby **ORDERED** that the Preliminary Injunction entered by the Court on June 29, 2021, together with any subsequent order continuing or supplementing its terms, is **DISSOLVED** and shall be of no further force or effect.

IT IS SO ORDERED.



HON. CASEY B. FITCH
Third Judicial District Court

SUBMITTED AND APPROVED:

For the State of New Mexico:

/s/ William G. Grantham
William G. Grantham
NEW MEXICO DEPARTMENT OF JUSTICE
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, New Mexico 87504-1508
Tel: (505) 717-3500
Fax: (505) 318-1050
wgrantham@nmdoj.gov

Kyle J. McGee (admitted pro hac vice)
Jason H. Wilson (admitted pro hac vice)
Juliana Carter (admitted pro hac vice)
GRANT & EISENHOFER P.A.
123 Justison Street, Suite 700
Wilmington, DE 19801
Tel: (302) 622-7000
Fax: (302) 622-7100
kmcgee@gelaw.com
jwilson@gelaw.com
jcarter@gelaw.com

For the Defendants:

/s/ James M. Feuille

SCOTT HULSE PC

James M Feuille (jfeu@scotthulse.com)

New Mexico Bar No. 145552

201 N. Church St., Ste. 201

Las Cruces, NM 88001

Telephone: (575) 522-0765

Facsimile: (575) 522-0006

MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.

Alex C. Walker (awalker@modrall.com)

Jeremy K. Harrison (jkh@modrall.com)

Post Office Box 2168

500 Fourth Street NW, Suite 1000

Albuquerque, New Mexico 87103-2168

Telephone: 505.848.1800

ALSTON & BIRD LLP

W. Clay Massey (clay.massey@alston.com)

(admitted pro hac vice)

Daniel F. Diffley (dan.diffley@alston.com)

(admitted pro hac vice)

1201 West Peachtree Street

Atlanta, GA 30309

Telephone: 404.881.7000