

AGREED ORDER OF DISMISSAL

CAME ON for consideration the agreed motion to dismiss the above-styled and numbered cause. Based upon the representations of the parties through their attorneys of record that this matter has been fully compromised and settled, the following disposition is appropriate.

It is THEREFORE ORDERED, ADJUDGED and DECREED that any and all claims asserted by either party in this action are dismissed with prejudice in their entirety, with each party to bear its own costs and attorneys' fees.

It is SO ORDERED.

SIGNED this the ______day of June, 2008.

MARY LŎUKOBINSON

U.S. District Judge

Respectfully submitted,

WINSTEAD PC 5400 Renaissance Tower 1201 Elm Street Dallas, Texas 75270 (214) 745-5400 (phone) (214) 745-5390 (fax)

By: /s/ Dan C. Dargene

Dan C. Dargene Texas State Bar No. 05384200

ATTORNEYS FOR PLAINTIFF/ COUNTER-DEFENDANT CONOCOPHILLIPS COMPANY Respectfully submitted,

WILLIAMS KHERKHER HART BOUNDAS, LLP 8441 Gulf Freeway Suite 600 Houston, Texas 77017-5001 (713) 230-2312 (phone) (713) 643-6226 (fax)

By: /s/ Jim Hart

Jim Hart Texas State Bar No. 09147400

ATTORNEYS FOR DEFENDANT/ COUNTER-PLAINTIFF INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 351

5215937v.1 41276/40