Superior Court of the State of Delaware

Jan R. Jurden Judge New Castle County Courthouse 500 North King Street, Suite 10400 Wilmington, Delaware 19801-3733 Telephone (302) 255-0665

Date Decided: September 18, 2012 Date Amended: March 18, 2013

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RE: Agere Systems, Inc., Cytec Industries, Inc., Ford Motor Company, SPS Technologies LLC, TI Group Automotive Systems, LLC

v.

Worthington Steel Company C.A. No. 11C-10-235-JRJ

Dear Counsel:

The Court has carefully reviewed, many times, the briefing on the cross-motions for summary judgment and the relevant case law. The Court has been drafting an opinion and grappling (for the last two months) to ascertain the intent of the parties with respect to the meaning of "incurred" as that term is used in the definition of Future Costs contained in the Settlement Agreement.

Because there are genuine issues of material fact in dispute with regard to Worthington's defenses of unilateral and/or mutual mistake, the cross-motions for summary judgment are **DENIED**.

IT IS SO ORDERED.

Very truly yours,

/s/Jan R. Jurden

Jan R. Jurden Judge

JRJ:mls

cc: Prothonotary