

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Case No. 09-10236 (BLS)
SMURFIT-STONE CONTAINER)	
ENTERPRISES, INC.,)	(Jointly Administered)
)	
Debtor.)	Chapter 11

NOTICE OF LODGING OF SETTLEMENT AGREEMENT

The United States is lodging with the Court, pending public comment under environmental statutes, a proposed Settlement Agreement among the United States, on behalf of the Environmental Protection Agency, the Department of Interior, and the Department of Commerce/National Oceanic and Atmospheric Administration, and Smurfit-Stone Container Corporation and certain of its affiliates, including Smurfit-Stone Container Enterprises, Inc. (“Debtors”), relating to cost recovery claims under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 to 9675. Under the Settlement Agreement, Debtors will distribute stock on account of allowed bankruptcy claims in the total amount of \$15,358,174.00 for federal environmental claims.

In accordance with paragraphs 28 and 29 of the Settlement Agreement, the United States requests that the Court not approve and enter the proposed Settlement Agreement at this time. Rather, notice of the lodging of the Settlement Agreement will be published in the Federal Register, following which the United

States Department of Justice will receive public comments on the proposed Settlement Agreement for 30 days. At the conclusion of the comment period, the United States will file with the Court any comments received, as well as responses to the comments, and at that time, if appropriate, file a motion requesting the Court to approve and enter the Settlement Agreement. The Debtors are filing a separate motion for approval of the Settlement Agreement under Federal Rule of Bankruptcy Procedure 9019.

Respectfully submitted,

ROBERT DREHER
Acting Assistant Attorney General
Environment and Natural Resources
Division

/s/ Elliot M. Rockler
ELLIOT M. ROCKLER
STACY D. COLEMAN
Trial Attorneys
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 514-2653

DAVID C. WEISS
United States Attorney
District of Delaware

ELLEN W. SLIGHTS
Assistant United States Attorney
1201 Market Street
Chemical Bank Plaza

Suite 1100
P.O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277

OF COUNSEL:

DAVID SMITH-WATTS
Attorney-Advisor
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

