

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNAMETAL, INC.,

Appellant,

vs.

KINDER MORGAN ENERGY PARTNERS, A MASTER LIMITED PARTNERSHIP; ENRON LIQUIDS PIPELINE, L.P.; OPERATING PARTNER SFPP, L.P., (FORMERLY SANTA FE PACIFIC PIPELINES, INC.); KMGP SERVICES COMPANY, INC.; KINDER MORGAN GP, INC.; KINDER MORGAN SERVICES, LLC, A LIMITED LIABILITY COMPANY; KINDER MORGAN LAS VEGAS, LLC; KINDER MORGAN OPERATING LIMITED PARTNERSHIP "D", AND OTHER KINDER MORGAN BUSINESS ENTITIES AND BUSINESS ENTITIES FORMED BY AND ASSOCIATED WITH AND/OR DOING BUSINESS WITH AND/OR AS KINDER MORGAN "D"; RICHARD D. KINDER; WILLIAM V. MORGAN; SANTA FE PACIFIC PIPELINE PARTNERS, L.P.; SANTA FE PACIFIC LIMITED PARTNERSHIP; SANTA FE PACIFIC PIPELINES, INC.; SOUTHERN PACIFIC PIPE LINES U.S.A., PARTNERSHIP; SFPP, LIMITED PARTNERSHIP; SFPP, L.P.; KINDER MORGAN; SOUTHERN PACIFIC TRANSPORTATION COMPANY; SOUTHERN PACIFIC RAIL CORPORATION; KINDER MORGAN L.P. "D" GENERAL PARTNER OF KMP; KINDER MORGAN INC. (KMI); CALNEV PIPELINE LLC; INTERENERGY RESOURCES CORP.; UNION PACIFIC RAILROAD

No. 55122

**FILED**

**FEB 26 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

SUPREME COURT  
OF  
NEVADA

CLERK'S ORDER

(O)-1947 

10-05184

COMPANY, (FORMERLY SOUTHERN  
PACIFIC TRANSPORTATION  
COMPANY); SOUTHERN PACIFIC  
TRANSPORTATION COMPANY; AND  
SANTA FE PACIFIC PIPELINES, INC.  
(COLLECTIVELY, "KINDER MORGAN  
AND THE RAILROAD DEFENDANTS");  
COOPER AND SONS ELY; BRIAN  
COOPER; AND SHANE COOPER,  
Respondents.

ORDER DISMISSING APPEAL

Pursuant to the stipulation of the parties, this appeal is dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

CLERK OF THE SUPREME COURT  
TRACIE K. LINDEMAN

BY: Thomas H. Harris

cc: Hon. Steven P. Elliott, District Judge  
Robert G. Berry, Settlement Judge  
Babst, Calland, Clements and Zomnir, P.C.  
Jenkins & Carter  
Chapman and Cutler, LLP  
Gordon & Rees, LLP  
Holland & Hart LLP/Reno  
Washoe District Court Clerk