IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE DOW CHEMICAL COMPANY,	)	
	)	
Plaintiff,	)	C.A. No. 05-737 (JJF)
	)	
v.	)	
	)	
NOVA CHEMICALS CORPORATION (CANADA), AND NOVA CHEMICALS INC. (DELAWARE),	)	
	)	
Defendants.	)	

PLAINTIFF'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO EFFECT SERVICE

Pursuant to Federal Rules of Civil Procedure 4(m) and 6(b), plaintiff, The Dow Chemical Company, moves for an order, in the form attached hereto, extending the period for service of the summons and complaint upon defendants in this action through and including April 21, 2006. The grounds for this motion are:

1. This action was filed on October 21, 2005. In order to facilitate settlement discussions, plaintiff has not served the complaint upon defendants. Since the filing of the complaint, the parties have been actively discussing settlement of this case. Plaintiff seeks an extension of time for service of process of the summons and complaint so that the parties can seek to effectuate a settlement.

2. Rule 4(m) permits 120 days to serve the summons and complaint. Rules 4(m) and 6(b) provide that the Court, in its discretion, may enlarge the time for cause shown. Plaintiff believes that an additional sixty (60) days to serve the summons and complaint, thereby extending the period for service through and including April 21, 2006, will allow the parties to

further pursue settlement discussions without requiring them to incur the costs and expense of litigation. Defendants have advised plaintiff that they do not oppose the extension sought.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
Attorneys for Plaintiff
The Dow Chemical Company

OF COUNSEL:

Harry J. Roper
Steven R. Trybus
Joseph F. Marinelli
JENNER & BLOCK LLP
One IBM Plaza
Chicago, IL 60611
312 222-9350

February 1, 2006
504584

RULE 7.1.1 CERTIFICATION

Plaintiff has discussed the subject of the foregoing motion with defendants, and defendants do not oppose the relief requested.

/s/ Rodger D. Smith II (#3778)

Rodger D. Smith II

February 1, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE DOW CHEMICAL COMPANY,	)	
	)	
Plaintiff,	)	C.A. No. 05-737 (JJF)
	)	
v.	)	
	)	
NOVA CHEMICALS CORPORATION (CANADA), AND NOVA CHEMICALS INC. (DELAWARE),	)	
	)	
Defendants.	)	

ORDER

The Court, having considered the Plaintiff's Unopposed Motion for Enlargement of Time to Effect Service;

IT IS HEREBY ORDERED that the time in which plaintiff The Dow Chemical Company may effect service of process of the summons and complaint is extended until April 21, 2006.

Dated this ____ day of _____, 2006.

_____
United States District Judge