

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
Docket No. L-2093-01 (MT)
Docket No. L-2521-01 (MT)
Docket No. L-1669-01 (MT)
Mass Tort Code 248

SUSANA ARENT, et al.,

Plaintiffs,

v.

CIBA GEIGY CORPORATION, et al.,

Defendants.

MARGO KRAMER, et al.,

Plaintiffs,

v.

CIBA GEIGY CORPORATION, et al.,

Defendants.

KATHLEEN JANES, et al.,

Plaintiff,

v.

CIBA GEIGY CORPORATION, et al.,

Defendants.

FILED

MAY 16 2002

JUDGE MARINA CORODEMUS

Civil Actions

CASE MANAGEMENT ORDER XI

The above matter having come before the Court on April 17, 2002 at the regularly scheduled Case Management Conference and good cause being shown the following Case Management Order is entered:

1. On or before April 22, 2002, the Ciba defendants shall provide responses to the

Kramer/Arent plaintiffs' Second Set of Requests to Admit;

2. Counsel for the Kramer/Arent plaintiffs shall coordinate with counsel for Ciba and United Water to schedule deposition dates for witnesses identified by the Kramer/Arent plaintiffs;

3. Counsel for the Kramer/Arent plaintiffs and counsel for United Water shall confer regarding the procedures to be followed with respect to the deposition of persons identified as corporate designees;

4. Within 7 days, counsel for United Water shall provide a certification outlining steps taken to locate the documents produced by its predecessor in the Ciba insurance litigation;

5. Within 7 days, United Water shall produce those exhibits in its possession marked at the 1992 deposition of Robert Johnstone in 1992 in the Ciba insurance litigation;

6. The Ciba defendants shall produce the box of documents identified as CGTRB803 during the week of April 22, 2002 at the Roseland offices of Lowenstein Sandler;

7. Within 7 days, the Kramer/Arent plaintiffs shall provide counsel for United Water with a certification outlining the steps taken (1) to locate documents plaintiffs' counsel obtained from United Water before the complaints were answered; (2) to identify, locate and produce documents identified and referred to in Kramer/Arent plaintiffs' counsel's letter dated July 30, 2001, which are responsive to the Notice to Produce served by the Ciba defendants; and (3) to identify or describe the water company files that the Kramer/Arent plaintiffs examined;

8. Within 30 days, counsel for United Water shall provide a written response to the Kramer/Arent plaintiffs' Notices dated April 9, 2002 and arrange a mutually convenient date for review of any documents responsive to same;

9. Within 7 days, counsel for United Water shall serve the Kramer/Arent plaintiffs with a letter specifying claimed deficiencies in plaintiffs' interrogatory answers and outlining the information needed and counsel for the Kramer/Arent plaintiffs shall within 7 days of receipt of that correspondence provide a written response;

10. On or before May 15, 2002, the Kramer/Arent plaintiffs shall provide answers to the bellwether discovery and, to the greatest extent possible, interrogatory answers shall be produced on a rolling basis;

11. Counsel for the Kramer/Arent plaintiffs shall use best efforts to serve outstanding

original Authorizations to defendants of the remaining bellwether plaintiffs;

12. Provided that all bellwether interrogatories and all authorizations are timely served, the list of bellwether plaintiffs shall be narrowed in accordance with previous agreements entered by counsel by June 7, 2002;

13. Within 3 days, counsel for defendant McPherson shall provide dates for the continuation of the McPherson deposition by the Kramer/Arent plaintiffs, Janes plaintiffs and other defendants;

14. Counsel for McPherson shall provide a report on the status of that party's document production no later than April 26, 2002;

15. Counsel for United Water and the Janes plaintiffs will confer with Mr. Furst and Judge Gruccio regarding continuation of the Bobsein deposition;

16. Counsel for Ciba and Janes plaintiffs will confer with Judge Gruccio to resolve privilege issues with respect to the Ciba insurance document production and no action shall be taken with respect to grand jury transcripts pending Judge Gruccio's recommendation with respect to the Ciba insurance documents.

17. The Janes plaintiffs and counsel for the Ciba defendants shall meet with Judge Gruccio at the earliest opportunity to resolve all outstanding discovery issues;

18. Ciba defendants shall file class certification opposition briefs and any cross-motions on or before April 24, any reply brief by the Janes plaintiffs shall be served no later than May 17 and the class certification motion and all cross-motions shall be heard on May 24;

19. The Janes plaintiffs shall use best efforts and all available means to locate and subpoena those former Ciba employees not produced by Ciba and, in the event such best efforts are unsuccessful, Ciba shall produce for deposition the person responsible for prior attempts to locate and provide last known addresses or other information as to those former Ciba employees;

20. No later than April 22, 2002 Ciba shall provide deposition dates for former Ciba employees identified by the Janes plaintiffs and no later than April 26, 2002 the Ciba defendants shall provide deposition dates and/or last known addresses for certain other witnesses requested on March 20, 2002 by the Janes plaintiffs;

21. Counsel for the Kramer/Arent plaintiffs shall provide the Ciba defendants by April 26, 2002 with the names/descriptions of any other witnesses to be produced by the Ciba

defendants.

22. No later than April 29, 2002 counsel for each of the defendants shall provide a list of all personal injury plaintiffs who they contend are subject to statute of limitations challenges;

23. The Court shall review the submissions of the parties regarding discovery of non-bellwether parties and advise counsel of the Court's decision in due course;

24. The Court shall discuss a trial date with the parties at the next case management conference;

25. The next case management conference shall take place at 10:00 a.m. on May 16, 2002; and

26. A copy of this Order be served on all counsel of record within 70 days hereof.

Dated: ~~April~~ ^{May} 16, 2002

Marina Corodemus
Hon. Marina Corodemus J.S.C.

On behalf of the Kramer and Arent plaintiffs, I hereby Consent to the form and entry of this Order.

Michael Gordon
Angelo J. Cifaldi
Michael Gordon

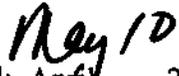
May 10, 2002
Dated: April __, 2002

On behalf of the Janes plaintiffs, I hereby Consent to the form and entry of this Order.

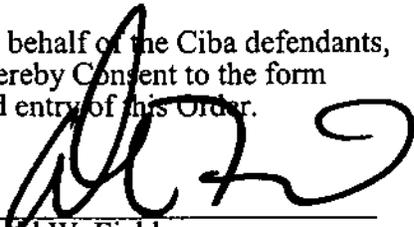
Arthur Penn
Arthur Penn

On behalf of defendant
United Water Company,
I hereby Consent to the form
and entry of this Order.


~~James A. Kosch~~
Andrea Lipuma


Dated: ~~April~~ May 10, 2002

On behalf of the Ciba defendants,
I hereby Consent to the form
and entry of this Order.


David W. Field


Dated: ~~April~~ May 10, 2002