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FILED

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JONATHAN N. HARRIS
J.S.C.

IN RE: ALLEGED MAHWAH TOXIC
DUMP SITE LITIGATION

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY: LAW DIVISION

CASE NO.: 277 MT

CIVIL ACTION

Master Docket No. L-489-08

APPLICABLE TO ALL CASES

**CASE MANAGEMENT ORDER
NUMBER THREE**

 **THIS MATTER** having come on for a Case Management Conference on September 29, 2008, the Honorable Jonathan Harris, and all parties having appeared by counsel, the following Case Management Order is hereby entered:

1. This Order is effective as of September 29, 2008.
2. No later than November 3, 2008, the parties shall file all motions seeking sanctions, to compel, or to dismiss pleadings with or without prejudice, because of discovery violations. Such motions shall be returnable no later than November 21, 2008. Before filing any such motions, the parties shall engage in a good faith attempt to resolve each such disputes. Any extant discovery disputes as of November 3, 2008 not subject to motion practice, shall be waived.
3. Plaintiffs shall be divided into 6 groups of approximately 108 each. The process for Group 1 shall be as follows and the process for subsequent groups shall substantially follow the same process:
 - (a) No later than October 6, 2008, the Court shall provide the parties by

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(17)

electronic mail a spread sheet of 156 randomly selected plaintiffs.

(b) The parties shall meet and confer for the purposes of exercising so called “preemptory challenges” in alternating fashion between plaintiffs and defendants with plaintiffs exercising the first such challenge. Plaintiffs are entitled to, and must exercise, 24 challenges. Defendants are collectively entitled to, and must exercise, 24 challenges in whatever distribution agreed upon. If defendants are unable to agree upon such challenges, each defendant will be entitled to 4 challenges.

(c) No later than October 24, 2008, the parties will submit the names of the final Group 1 to the Court.

4. The dates for selection of Groups 2-6 are as follows

Group 2

Court random selection: November 3, 2008
Parties’ final selection: November 21, 2008

Group 3

Court random selection: December 1, 2008
Parties’ final selection: December 19, 2008

Group 4

Court random selection: December 29, 2008
Parties’ final selection: January 16, 2009

Group 5

Court random selection: January 26, 2009
Parties’ final selection: February 13, 2009

Group 6

Court random selection: February 23, 2009
Parties final selection: March 13, 2009

5. Depositions of each plaintiff in Group 1 shall be completed no later than February 27, 2009. Depositions for plaintiffs in Groups 2-6 shall be completed no later than:

Group 2: May 29, 2009
Group 3: August 31, 2009
Group 4: November 30, 2009
Group 5: February 26, 2010
Group 6: May 31, 2010

Each plaintiff’s deposition will be limited to 8 hours of questioning absent agreement of the

parties or further order of the Court.

6. All fact discovery of defendants and Group 1 plaintiffs shall be completed no later than July 31, 2009. Fact discovery as to plaintiffs in Groups 2-6 shall be completed no later than:

Group 2: October 30, 2009

Group 3: January 29, 2010

Group 4: April 30, 2010

Group 5: July 30, 2010

Group 6: October 29, 2010

7. Group 1 plaintiff opinions shall be served in the form of a report no later than September 30, 2009. Group 1 defendant opinions (including opinions supporting cross-claims and third-party claims) shall be served in the form of a report no later than November 30, 2009. Group 1 cross-claim opposition and third-party defendant opinions shall be served in the form of a report no later than December 31, 2009. All discovery will close with respect to Group 1 plaintiffs on March 31, 2010. The schedule for opinion disclosures and discovery from Groups 2-5 is as follows:

Group 2: Plaintiffs: December 30, 2009
Defendants: February 26, 2010
Cross-claim/third-party defendants: March 26, 2010
Expiration: June 28, 2010

Group 3: Plaintiffs: March 26, 2010
Defendants: May 31, 2010
Cross-claim/third-party defendants: June 30, 2010
Expiration: September 30, 2010

Group 4: Plaintiffs: June 30, 2010
Defendants: August 30, 2010
Cross-claim/third-party defendants: September 30, 2010
Expiration: December 30, 2010

Group 5: Plaintiffs: September 30, 2010
Defendants: November 29, 2010
Cross-claim/third-party defendants: December 30, 2010
Expiration: March 28, 2011

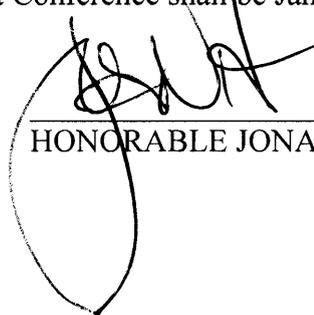
Group 6: Plaintiffs: December 30, 2010
Defendants: February 28, 2011
Cross-claim/third-party defendants: March 28, 2011
Expiration: June 30, 2011

8. No later than, November 3, 2008, plaintiffs shall file and serve amended complaints for all those plaintiffs who are deceased and for whom a personal representative has not yet been substituted. Such plaintiffs include the following: Suzette Mann, Bernadine Milligan, Clara Milligan, Albert Harty, David L. Van Dunk, Sr., John Fudal, Michael Milligan, Floyd DeFreese, Leonard E. Van Dunk and Audrey Mann.

9. The parties may file dispositive motions at any time.

10. The next Case Management Conference shall be January 8, 2009 at 9:00 a.m., in the Honorable Jonathan Harris' Chambers.

10/7/08



HONORABLE JONATHAN HARRIS, J.S.C.