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FILED

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Carol E. Higbee, P.J.Cv.

IN RE: BRISTOL-MYERS SQUIBB ENVIRONMENTAL CONTAMINATION LITIGATION	**SUPERIOR COURT OF NEW JERSEY** LAW DIVISION: ATLANTIC COUNTY MASTER DOCKET NO. ATL-l-3517-08 MT CASE NO. 281 **CASE MANAGEMENT ORDER NO. 12**

THIS MATTER having come before the Court for Case Management Conferences on Tuesday, July 26, 2011, Tuesday, August 23, 2011, and Tuesday, October 25, 2011, and counsel for Plaintiffs and counsel for Defendant, having participated, and for good cause shown,

IT IS on this 6 day of Dec, 2011, ORDERED that, except to the extent inconsistent with the terms of the within Case Management Order ("CMO"), all prior CMO's remain in full force and effect, and it is further ORDERED as follows:

1. Defendant shall produce its corporate designee, Robert Weiss, for the continuation of his *Rule 4:14-2(c)* deposition, pursuant to Plaintiffs' July 6, 2011, deposition notice, at a time and place convenient to both parties.

2. Plaintiffs shall draft and serve more specific *Rule 4:14-2(c)* deposition notices, in response to which Defendant shall promptly designate and produce corporate designee deponent(s) at a time and place convenient to both parties.

3. Defendant shall supplement its discovery responses and productions to include all documents concerning performed and planned on-site and off-site investigation, remediation, testing and monitoring, including, but not limited to, vapor intrusion testing. Defendant shall further supplement its discovery responses and productions in accordance with paragraph 2 of Case Management Order No. 2, requiring the production of communications between Defendant and the New Jersey Department of Environmental Protection ("NJDEP") that are related to the allegations set forth in Plaintiffs' Master Complaint.

4. Defendant shall provide outstanding responses to Plaintiffs' May 11, 2011, letter in lieu of interrogatories by October 17, 2011.

5. Defendant shall produce the approximate 1,500 cover sheets from the Corporate Document Repository by September 16, 2011. Thereafter, the parties shall meet and confer regarding additional search terms for the OmniRIM system.

6. Plaintiffs shall, pursuant to *Rule 4:18-1(b)(3)*, provide supplemental discovery responses and productions to all prior Case Management Orders and all of Defendant's prior Demands for Answers to Interrogatories and Requests for Production of Documents, every sixty (60) days, with the next production to occur by October 17, 2011.

7. Defendant shall, pursuant to *Rule 4:18-1(b)(3)*, provide supplemental discovery responses and productions to all prior Case Management Orders and all of Plaintiffs' prior Demands for Answers to Interrogatories and Requests for Production of Documents, every sixty (60) days, with the next production to occur by October 17, 2011, with the exception that all communications with the New

Jersey Department of Environmental Protection that are related to the allegations set forth in Plaintiffs' Master Complaint shall be supplemented as soon as practicable with the goal that all such correspondence shall be provided within two weeks of being sent or received.

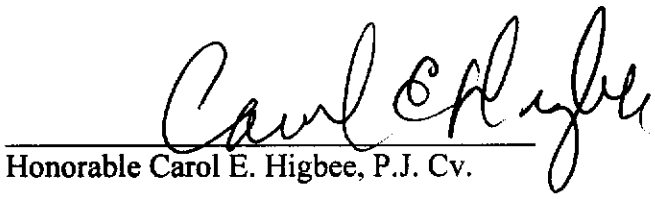
8. Plaintiffs disagreed as to the existence and timing of any obligation to supplement their discovery responses and productions to include all testing or sampling data or other facts resulting from the investigation, testing, monitoring, and sampling of any environmental media, including, but not limited to, soil, sediments, surface water, groundwater, soil gas, indoor air or outdoor air, and vapor intrusion, on any property, performed by their non-testifying litigation experts. Based on the foregoing, Plaintiffs shall file a motion for a protective order by November 14, 2011. Defendant shall file any opposition to Plaintiffs' motion for a protective order by December 5, 2011. The return date on said motion will be determined by the Court.

9. Defendant shall copy Plaintiffs' attorney, Martin P. Schrama, on any and all correspondence(s) related to remediation at the Bristol-Myers Squibb New Brunswick Site and/or this litigation sent by Defendant to any Plaintiff (as of the date of such correspondence) in this matter. Defendant shall also immediately provide Martin P. Schrama a copy of the names of any and all Plaintiffs to whom such correspondence(s) are sent by Defendant.

10. By October 28, 2011, Plaintiffs shall advise Defendant which of the thirteen (13) overdue Answers to Interrogatories, as identified by Defendant, were previously provided by Plaintiffs to Defendant. By November 15, 2011, Plaintiffs shall

provide Defendant with the remaining nine (9) overdue Answers to Interrogatories. Thereafter, if any of the nine (9) overdue interrogatories have not been produced, Defendant may file a motion to dismiss without prejudice.

11. The next Case Management Conference will be held on Tuesday, December 20, 2011, at 1:30 p.m., at the Atlantic County Courthouse, Courtroom 3-B, 1201 Bacharach Blvd., Atlantic City, New Jersey.



Honorable Carol E. Higbee, P.J. Cv.