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FILED
AUG 21 2012
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. 14**

THIS MATTER having come before the Court for a Case Management Conference on Tuesday, February 14, 2012 and Friday, March 16, 2012, and counsel for plaintiffs and counsel for Defendant, Bristol-Myers Squibb Company ("BMS" or "Defendant"), having participated, and for good cause shown,

IT IS on this 21st day of August, 2012, ORDERED that, except to the extent inconsistent with the terms of the within Case Management Order ("CMO"), all prior CMOs remain in full force and effect, and it is further ORDERED as follows:

1. BMS shall, by August 15, 2012, complete its review and production of product and volume-related information in BMS's possession in electronic format.

2. By July 31, 2012, BMS shall produce a certification pursuant to paragraph 2 of Case Management Order No. 13. Thereafter, plaintiffs may move to have BMS barred from producing further product and volume-related information, absent exceptional circumstances.

3. Plaintiffs shall, by July 20, 2012, identify which plaintiffs are asserting claims of financial damages (e.g., lost wages or out-of-pocket medical expenses) in excess of $10,000, together with an explanation of the basis of the claim and an estimate of the magnitude of the same.

4. The parties shall meet and confer to resolve any outstanding issues regarding plaintiffs' responses to subpoenas served by BMS on Kenneth Iulo, Esquire, and Dr. Dennis Stainken.

5. BMS shall supplement its consultant-related privilege log by June 29, 2012.

6. BMS shall provide plaintiffs with its updated and revised master privilege log by July 31, 2012.

7. The following discovery deadlines shall apply to additional discovery requested from plaintiffs:

   (a) By September 3, 2012, plaintiffs shall produce interrogatory answers, for those plaintiffs who have thus far failed to answer interrogatories.

   (b) By September 3, 2012, plaintiffs shall provide executed authorizations from plaintiffs for the release of medical records, for those plaintiffs have thus failed to provide medical authorizations.

7. The parties agreed to retain a vendor to research lien information material to both parties, with the understanding that the cost will be split 50/50 per side. The parties shall continue to meet-and-confer. The following deadlines shall apply to additional discovery requested from BMS:

   (a) By July 11, 2012, BMS shall produce all non-privileged documents, in its possession, from its environmental consultants.

   (b) BMS is continuing to work with the FDA on its FOIA requests for the pertinent portions of the NDA-related annual reports for the products included in plaintiffs' October 21, 2011 letter. BMS will provide that information to plaintiffs on a rolling basis, as it is received from the FDA. BMS will also immediately provide to plaintiffs a copy of its requesting letter to the FDA related to the FOIA requests.

(c) BMS is investigating whether additional operational volume information can be obtained from two companies that provide market data to BMS relating to pharmaceutical products. To the extent that BMS identifies and obtains such data, BMS will provide same to plaintiffs promptly, once it is available.

(d) On July 13, 2012, plaintiffs provided BMS with a list of the gaps in the permit-related information that BMS has already produced in the litigation. To the extent that BMS identifies and obtains the additional information and documents requested, BMS will provide same to plaintiffs promptly, once it is available.

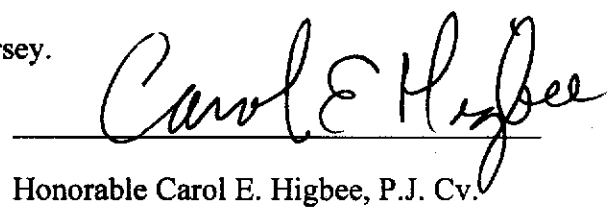
(e) By July 20, 2012, BMS shall provide any remaining personnel, medical and worker's compensation records maintained by the Company for current plaintiffs who are also former employees, or any other individuals for which plaintiffs have provided written authorization. BMS will also confirm that the requested medical records include medical surveillance documentation related to the subject individual and privilege log by July 27, 2012 and any documents originally privileged no longer are so.

(f) The parties shall meet-and-confer with regard to the list of outstanding discovery requests provided by Elizabeth Hamlin on February 13, 2012 (pertaining to plaintiffs' informal interrogatories propounded in May 2011 and September-December 2011), to set a date(s) certain whereby BMS will (i) confirm that all available information has already been provided, (ii) provide supplemental responses, or (iii) set a date certain when supplemental information will be provided to plaintiffs.

(g) By July 20, 2012, BMS will provide, or identify, to plaintiffs the documentation requested by plaintiffs setting forth the protocols for medical surveillance programs of BMS related to the categories of compounds identified in plaintiffs' December 20, 2011 and March 30, 2012 corporate designee deposition notices.

(h) With regard to plaintiffs' third-party deposition subpoena to Charles Bruno, BMS will wait to receive confirmation from plaintiffs that they want to proceed after completion of BMS's document production from its environmental consultants.

8. The next Case Management Conference will be held on Thursday, September 27, 2012 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.