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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. 4**

THIS MATTER having come before the Court for a Case Management Conference on September 24, 2009, and counsel for plaintiffs and counsel for defendant Bristol-Myers Squibb Company ("BMS") having been present, and for good cause shown,

IT IS on this 15th day of Oct, 2009, 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's production of documents required under the provisions of CMOs 2 and 3 in a searchable electronic format has satisfied its production obligations to date. Plaintiffs now may identify specified documents that have been produced and request BMS to produce those documents with further metadata fields or in native format. The parties will endeavor to address and resolve in good faith any issues relating to any such requests, and BMS's prior production of

documents in accordance with CMOs 2 and 3 shall not be asserted as the basis for an objection to any such requests.

2. Plaintiffs shall, by October 1, 2009, provide to RecordTrak "blank" or non-provider-specific HIPAA authorizations for any and all plaintiffs asserting personal injuries in connection with this consolidated litigation. RecordTrak will limit its collection of medical records to paper records only at this time; collection of x-rays and pathology materials will be deferred until further information is obtained concerning the various conditions that plaintiffs allege relate to the claims asserted. Plaintiffs shall copy counsel for BMS on all submissions of medical authorizations or HIPAA forms to RecordTrak.

3. Plaintiffs shall file any motions or applications for the appointment of *guardians ad litem* or administrators/administratrixes, as may be necessary, by December 23, 2009, to permit the proper parties in interest to be available to execute HIPAA or other forms so that medical records may be collected.

4. In all actions for which BMS has already filed a responsive pleading, plaintiffs shall serve their answers to interrogatories by November 9, 2009. To the extent that any plaintiff subject to this paragraph fails to serve answers to interrogatories by November 9, 2009, BMS is authorized to file a motion to dismiss such plaintiff's complaint without prejudice.

5. With regard to any plaintiff who wishes to assert a property damage claim but whose complaint does not assert such claim, plaintiffs' counsel shall prepare and file an order identifying all such plaintiffs, and such plaintiffs shall serve and file amended pleadings by November 5, 2009. As to all complaints that have been served to date, plaintiffs shall submit an order dismissing any property damage claims, without prejudice, in any case where plaintiff has

decided to not pursue these claims. In future complaints plaintiffs should only assert a property claim where one is being pursued.

6. At some future date to be determined by the Court, the defendants will be allowed to move for dismissal, with prejudice, of property claims in cases where they have been dismissed without prejudice.

7. By December 1, 2009, plaintiffs shall identify, and the parties shall schedule the deposition of, one or more BMS or DEP representative(s) to take place during December 2009.

8. Each complaint is to be limited to a single plaintiff claiming personal injuries and shall not include the claims of any other individuals, whether household members or not, who are also asserting claims. This paragraph supersedes the prior Court's prior Order, set forth in CMO 1, Section II, Paragraph 2, and that Paragraph of the prior CMO is hereby vacated. To the extent that any complaint previously filed by any plaintiff does not comply with the terms of this Order, such plaintiff must serve and file an amended pleading by November 9, 2009.

9. BMS shall serve and submit to the Court for entry an order identifying those actions that contain Spill Act claims subject to dismissal, without prejudice, pursuant to the Court's March 23, 2009 Order. Plaintiffs shall not file any future complaints or future amendments to complaints asserting Spill Act claims until timely notice under the Spill Act is given.

10. BMS may file motions to dismiss Counts Eleven (Misrepresentation), Twelve (Conspiracy and Fraud Concealment), and Thirteen (Fraudulent Concealment of Evidence) in plaintiffs' Master Complaint for failure to meet the particularity requirements set forth in R. 4:5-8(a).

11. The next Case Management Conference will be held on December 10, 2009 at 1:30 p.m., at the Atlantic County Courthouse, Courtroom 3-B, 1201 Bacharach Boulevard, Atlantic City, New Jersey.

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