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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 [redacted] **CASE MANAGEMENT ORDER NO. 5**

THIS MATTER having come before the Court for a Case Management Conference on December 10, 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 23 day of Dec, 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. The parties are permitted to seek further written discovery, including document production and interrogatory answers, either by formal or informal requests.

2. By December 30, 2009, BMS shall provide plaintiffs with privilege logs relating to the documents previously produced, along with a supplemental production of any documents over which a claim of privilege is no longer being asserted.

3. With regard to the four cases in which plaintiffs have been required to, but have not yet, served answers to interrogatories (pursuant to CMO 4, ¶ 4), plaintiffs must provide those answers. If plaintiffs fail to provide those answers, BMS remains authorized to file a motion to dismiss any such plaintiff's complaint without prejudice.

4. By December 30, 2009, plaintiffs' counsel will provide written assurances that plaintiffs will pay RecordTrak for its services in searching for providers and collecting records pursuant to the non-provider specific or blank authorizations provided by the various plaintiffs.

5. By December 30, 2009, the parties shall address and resolve any outstanding issues concerning the consent order regarding providers who were not cooperating with RecordTrak's requests for the production of medical records.

6. To the extent that plaintiffs' counsel has identified plaintiffs whose depositions should be taken de bene esse, plaintiffs' counsel will provide the names of those plaintiffs to BMS's counsel as soon as practicable, and plaintiffs' counsel shall thereafter make arrangements for those plaintiffs to appear for discovery depositions. BMS may also request that any plaintiff whose deposition will be taken de bene esse be required to submit to an independent medical examination in advance of the deposition.

7. With regard to any plaintiff who has asserted a property damage claim in a complaint that has been served to date, but who has not yet answered the relevant interrogatory regarding the property damage claim, such plaintiffs shall prepare and serve an amended answer to interrogatory forthwith and, in any event, no later than January 29, 2010. With regard to any plaintiff who has not asserted a property damage claim in their most recently filed complaint, but who has answered the relevant interrogatory regarding the property damage claim, such plaintiffs

shall formally withdraw their respective answers to interrogatories by January 29, 2010, or BMS may move to strike such interrogatory answers.

8. The next Case Management Conference will be held on February 19, 2010 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.