FILED

JAN 25 2012

BRIAN R. MARTINOTTI, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE ALLEGED

ENVIRONMENTAL CONTAMINATION

OF POMPTON LAKES

CASE NO. 290
MASTER DOCKET NO.:BER-L-10803-10

CIVIL ACTION
(CASE MANAGEMENT) ORDER #17

All prior orders remain in full force and effect except as modified by this Order

This Matter having been assigned to the Honorable Brian R. Martinotti, J.S.C. pursuant to the Supreme Court's Order of September 13, 2010 ordering centralized case management of the Alleged Environmental Contamination of Pompton Lakes (hereinafter referred to as "Pompton Lakes") and the Court having conducted a Case Management Conference on January 25, 2012, having reviewed the proposed agenda, counsel appearing, for good cause shown and for the reasons set forth on the record.

IT IS on this 25th day of January, 2012,

ORDERED,

COMPLIANCE WITH PRIOR CASE MANAGEMENT ORDER:

1. **Motions to Reinstate**

    a. Plaintiffs Honsberg and Martens shall file complaints alleging personal injuries that have manifested following their 2004 settlements by February 6, 2012.

CASE MANAGEMENT:

1. The Parties have consented to the following discovery schedule:

   a. Plaintiffs shall serve medical monitoring expert report(s) by April 1, 2012 [as required by the Court's November 1, 2011 Order].

   b. Plaintiffs and DuPont shall each select five (5) personal injury plaintiffs and five (5) medical monitoring plaintiffs for discovery pool (for a total of 20 discovery pool cases) by May 1, 2012. The parties agree that the discovery pool will not contain any minors. The parties agree that the discovery pool will also contain plaintiffs with property-related claims.

   c. DuPont shall complete document productions, including serving the Certification required by *R.* 4:18-1(c), by May 15, 2012.

   d. The end of fact discovery on all discovery pool cases and the end of fact discovery of DuPont shall be August 31, 2012. [Nothing precludes the parties from taking discovery on non-discovery pool plaintiffs after this date (including additional discovery of DuPont that is specific to the non-discovery pool plaintiffs or that arises directly as a result of such discovery). In addition, before August, 31, 2012, DuPont may seek leave to take discovery of non-discovery pool plaintiffs].

   e. Plaintiffs and DuPont shall each select five (5) trial plaintiffs for the first trial by August 31, 2012. Trial plaintiffs must be selected from the discovery pool.

f. Affirmative expert reports (*i.e.*, expert reports for issues upon which a party bears the burden of proof at trial) shall be due November 1, 2012.

g. Rebuttal expert reports (*i.e.*, expert reports that respond to previously served expert reports) shall be due January 15, 2013.

h. Depositions of all experts shall be completed by February 28, 2013.

i. The Deadline for *Kemp* motions, motions *in limine*, and any other pre-trial motions shall be due April 1, 2013.

j. Oppositions to *Kemp* motions, motions *in limine*, and other pre-trial motions shall be due April 22, 2013.

k. Replies to *Kemp* motions, motions *in limine*, and other pre-trial motions shall be due May 3, 2012.

l. Pretrial memorandum, including witness list(s), exhibit list(s), and jury instructions shall be due May 15, 2013.

m. A trial date shall be set by the Court.

2. The Parties have agreed to the appointment of a mediator, with each party agreeing to pay fifty-percent (50%) of the costs and expenses of said mediator. The mediator shall be available to assist the parties and discuss settlement. The Parties shall contact the mediator within fourteen (14) days.

3. Plaintiffs may file a motion(s) to compel discovery no sooner than February 29, 2012. Counsel shall continue to meet and confer regarding the production of discovery.

4. Plaintiffs' counsel shall advise defense counsel by February 6, 2012 of the status of the "Armona" plaintiffs. Counsel shall advise the Court by February 15, 2012 of the status of the "Armona" plaintiffs; plaintiffs' counsel shall also file an agreed form of dismissal of "Armona" claims that plaintiffs agree to dismiss by February 15, 2012. Defendant may move for summary judgment with respect to any remaining "Armona" plaintiffs on or before February 29, 2012. [The Court shall set a briefing schedule at the next Case Management Conference].

GENERAL:

1. The next Case Management Conference is scheduled for March 14, 2012 at 1:30 p.m. Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.
2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues *only*.
3. The Court directs all counsel to *R*.1:4-8 and expects all counsel to abide by the parameters set forth therein.
4. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
5. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING

ELECTRONICALLY]. Any such submission received after 4:30 pm. will be deemed received at 9:00 a.m. on the next day Court is in session. Any such submission received after 4:30 p.m. on a Friday or over a weekend, will be deemed received on 9:00 a.m. on the next day Court is in session.

6. Counsel is directed to contact The Superior Court of New Jersey, Attorneys Accounts: P.O. Box 980, Hughes Justice Complex, 25 W. Market Street, Trenton, New Jersey 08625 (609) 633-8643 to establish a collateral account for any filing fees within seven (7) days.

7. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.

8. A copy of this Order and any subsequent Orders to the Court will be posted on the Judiciary Web Site.

BRIAN R. MARTINOTTI, J.S.C.