FILED

APR 10 2012

BRIAN R. MARTINOTTI, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

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

IN RE ALLEGED

ENVIRONMENTAL CONTAMINATION

OF POMPTON LAKES

CIVIL ACTION
(CASE MANAGEMENT) ORDER #18

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 April 10, 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 10th day of April, 2012,

ORDERED,

COMPLIANCE WITH PRIOR CASE MANAGEMENT ORDER:

1. **Discovery.**
    a. Parties shall continue to meet and confer regarding discovery [corporate representative regarding vapor intrusion shall be deposed in May]

2. **Mediation.**

a. The parties have contacted the mediator and forwarded a summary to him; they will contact the mediator once discovery is completed.

3. **"Armona Issues"**

a. By April 27, 2012, Plaintiff shall either move to amend the Complaint of, or dismiss the claim of Ann Marie Gorman, (BER-L-10797-10).

b. The parties have met and conferred regarding the "*Armona*" issues and there are only four matters currently in dispute. Defendant may move for summary judgment at their discretion as to Josephine and Louis Bruno, (BER-6510-11) and as to Ann Marie Gorman (BER-L-10797-10) if she has moved to amend her complaint but before plaintiffs are chosen for discovery. A briefing schedule will be sent to counsel by the Court via e-mail.

4. **Discovery Schedule.**

a. See attached schedule.

CASE MANAGEMENT:

GENERAL:

1. The next Case Management Conference is scheduled for June 13, 2012 at 1:30 p.m. Counsel shall submit a proposed agenda

(including a summary for each selected plaintiff) 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.

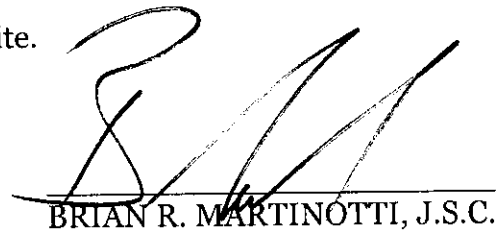
4. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.

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.

PROPOSED SCHEDULE

Date	Item
June 4, 2012	Plaintiffs and DuPont each select 5 personal injury plaintiffs and 5 medical monitoring plaintiffs for discovery pool (for a total of 20 discovery pool cases). 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.
August 1, 2012	DuPont shall complete document productions, including serving the Certification required by R. 4:18-1(c).
November 15, 2012	End of fact discovery on all discovery pool cases; end of fact discovery of DuPont. 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 November 15, 2012, DuPont may seek leave to take discovery of non-discovery pool plaintiffs. Selection of trial plaintiffs for the first trial (5 plaintiffs selected by plaintiffs and 5 plaintiffs selected by DuPont). Trial plaintiffs must be selected from the discovery pool.
January 15, 2013	Affirmative expert reports due (*i.e.*, expert reports for issues upon which a party bears the burden of proof at trial)
April 1, 2013	Rebuttal expert reports due (*i.e.*, expert reports that respond to previously served expert reports)
May 15, 2013	Depositions of experts to be completed
June 17, 2013	Deadline for *Kemp* motions, motions *in limine* and any other pretrial motions

July 12, 2013	Oppositions to *Kemp* motions, motions *in limine* and other pretrial motions
July 26, 2013	Replies to *Kemp* motions, motions *in limine* and other pretrial motions
August 15, 2013	Pretrial memorandum, including witness list(s), exhibit list(s), and jury instructions
Trial	Date to be set by the Court