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FILED

SEP 26 2001

JUDGE MARINA CORODEMUS

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
Docket No. L-2093-01
Docket No. L-2521-01
Docket No. L-1669-01

SUSANA ARENT, et al.,

Plaintiffs,

-vs-

CIBA-GEIGY CORPORATION, et al.,

Defendants.

MARGO KRAMER, et al.,

Plaintiffs,

-vs-

CIBA-GEIGY CORPORATION, et al.,

Defendants.

KATHLEEN JANES, et al.,

Plaintiffs,

-vs-

CIBA-GEIGY CORPORATION, et al.,

Defendants.

Civil Actions

CASE MANAGEMENT ORDER IV

10067/17
09/12/2001 1089508.01

The above matter having come before the Court on August 23, 2001 for a case management conference, and for good cause,

It is on this the 26th day of September, 2001,

ORDERED that

1. Counsel for the Kramer and Janes plaintiffs will serve by September 11, 2001 to counsel for the Ciba defendants ten and five, respectively, document requests for specific categories of documents to be produced by October 15, 2001. In the event the Ciba defendants object to those categories, written objections shall be served by September 18, 2001 and, if necessary, the parties may mediate those objections before Judge Gruccio;

2. Counsel for the Kramer and Janes plaintiffs shall provide to counsel for the Ciba defendants a letter setting forth all terms of the agreed upon document protocol to be followed in future document production;

3. The Ciba defendants will give plaintiffs the identity of their corporate designee witnesses on or before September 20, 2001;

4. Depositions may be scheduled after October 1, 2001;

5. Counsel will make all necessary efforts to ensure that the depositions need not be duplicated or renoticed;

6. After the deficiency letters from defendants have been responded to by all potential candidates for bellwether plaintiffs, the parties shall propose to the Court an agreed upon selection process. In the event the parties cannot agree, all parties shall submit their written proposal to the Court;

7. After selection of the bellwether plaintiffs, defendants may serve interrogatories and a document request to each bellwether plaintiff which will be responded to before those bellwether plaintiffs' depositions are taken;

8. CMO III is modified so that the Ciba defendants shall have until September 7, 2001 to answer the first portion of plaintiffs' Requests to Admit;

9. CMO III is modified so that defendants McPherson and Bobsein shall have until September 25, 2001 to serve their privilege logs provided that any non-privileged documents in the boxes at issue shall be made available for inspection and copying by all parties after August 31, 2001;

10. Plaintiffs in Kramer will provide defendants by September 15, 2001 with a list of all plaintiffs for whom they wish to assert an amendment to their Complaints to include a claim for wrongful death which has previously not been asserted;

11. The parties may not serve contention interrogatories until further Order of the Court and all previously served are hereby deemed withdrawn;

12. In the course of discovery, medical records of parties and non-parties may be produced. All such medical records are strictly confidential and are to be seen only by the attorneys of record, members of their staff and the parties' experts. To the extent any medical records of non-parties are to be filed as part of the record in these cases, they shall be filed under seal;

13. In the course of document production, a party may inadvertently produce documents which are otherwise privileged. In such case, the producing party shall request that all such documents be returned until such time that the Court rule on the claim of privilege. Upon receipt of such a request, the parties receiving the documents shall return all copies of those documents and, if the claim of privilege is to be challenged, promptly request that the Court hear that challenge;

14. Counsel for Ciba will produce by October 1, 2001 any documents exist in Switzerland relevant to the bladder cancer discovery identified in paragraph 1 of CMO II;

15. Counsel for Ciba will produce by October 1, 2001 any documents exist in the former Sandoz files relevant to the four categories of documents identified in paragraph 1 of CMO II;

16. Counsel for Ciba will make available for all counsel the two sample rolls of microfilm for the Ciba insurance coverage case after which time any counsel may ask to review at Lowenstein Sandler the entire collection of microfilm or ask that copies be made at the cost of the requesting party;

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17. Counsel for Ciba will make available by October 1, 2001, to the extent they exist, any non-privileged documents and pleadings from the matter of Lymeworth v. CIBA-GEIGY Corporation and segregated collections of documents received by Ciba in its insurance coverage case from USEPA, NJDEP and/or United Water Company;

18. Ciba shall produce for inspection and copying on September 24, 2001 all documents which were included in the 1992 Privilege Log from the insurance coverage case for which the claim of privilege has been or is now being withdrawn;

19. The next case management conference shall be held on September 26, 2001 at 2:00 p.m. with a mediation session with Judge Gruesz beginning at noon; and

20. A copy of this Order shall be served to all counsel of record within 7 days hereof.

ORDERED that a copy of this Order be served on all counsel of record within 7 days hereof.

Marina Corodanus

Hon. Marina Corodanus, J.S.C.

On behalf of the Kramer and Arant plaintiffs, I hereby consent to the form and entry of this Order.

Angelo Cifra
Angelo Cifra

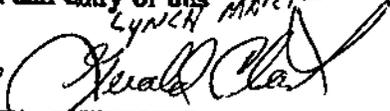
Dated: September 13, 2001

On behalf of defendants CIBA-GEIGY Corporation, Novartis Corporation and Ciba Specialty Chemicals Corporation, I hereby consent to the form and entry of this Order.

David W. Field
David W. Field

Dated: September 14, 2001

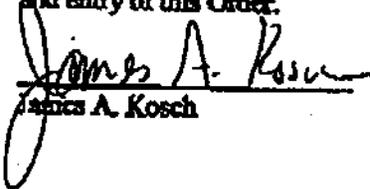
On behalf of plaintiffs in the James case, I hereby consent to the form and entry of this Order.

By → 

John E. Kosch

Dated: September 26, 2001

On behalf of defendant United Water Company, I hereby consent to the form and entry of this Order.


James A. Kosch

Dated: September 3, 2001