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MAY 1 - 2008
J. STEWART

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

In Re: BERYLLIUM LITIGATION

November Term, 2003
No.: 0002

CASE MANAGEMENT ORDER NO. 11

AND, NOW, this 1st day of May, 2008, upon consideration of counsel's letters of March 28, 2008 and March 31, 2008 regarding a request for modification of the deadlines set forth for cases identified in Paragraph 5 of Revised Case Management Order No. 10, and upon agreement of the parties, it is hereby ordered as follows:

1. All factual discovery shall be completed in the following cases within 90 days from the date this Case Management Order (CMO) is signed by the Court:

COPIES SENT
PURSUANT TO Pa.R.C.P. 236(b)
MAY 1 2008
FIRST JUDICIAL DISTRICT OF PA
USER I.D.:

Bare v. NGK North America, et al., 050801387
Dondore v. NGK North America, et al., 05081380
Pohl v. NGK North America, et al., 050801383
Stitzel v. NGK North America, et al., 0605000050

2. Plaintiffs shall produce and serve upon defendants reports of experts anticipated to be called at trial within 21 days after the deadline to complete discovery.

3. Defendants shall produce and serve reports of experts anticipated to be called at trial within 30 days after receipt of plaintiffs' expert reports.

4. Depositions of experts designated for trial in the cases which are the subject of this CMO shall be permitted and shall occur and be completed no later than sixty (60) days after defendants' expert reports are served on plaintiffs. The parties shall agree upon a manner for sharing fees and expenses of each expert for purposes of deposition.

5. Dispositive motions shall be filed by the parties in the cases which are the subject of this CMO within 30 (thirty) days after the deadline for completion of expert depositions. Any response to a dispositive motion shall be filed and served within thirty (30) days after the motion is filed. Any reply to a response shall be filed and served within ten (10) days after the response is filed.

6. Frye motions shall be filed and served by the parties within fourteen (14) days after the deadline for completion of expert depositions. Any response to a Frye motion shall be filed and served within twenty (20) days after the motion is filed. The Court shall thereafter establish a date for Frye hearings and witness testimony as the Court determines necessary.

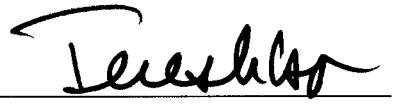
7. A final pre-trial conference shall be held in the cases which are the subject of this CMO no sooner than sixty (60) days after the deadline for filing dispositive motions and thereafter shall be assigned to trial at the direction of the Court.

8. Pre-Trial Memoranda, which include points for charge, specific identification of deposition testimony that the party intends to offer into evidence pursuant to Pennsylvania Rule of Civil Procedure 4020, and designation of all exhibits and witnesses for trial shall be filed and served as directed by the assigned trial judge.

9. Motions *in limine* shall be filed by the parties on or before the day on which jury selection occurs in a specific case.

10. Nothing contained herein shall be construed as directing the order or manner in which trial shall be conducted, a matter to be considered by the parties and the Court at a regularly scheduled case management conference or upon application by any party hereto, or otherwise upon direction of the Court.

BY THE COURT:



TERESHKO, J.

Dated: _____

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