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JUL 25 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. 12

AND, NOW, this 24th day of July, 2008, upon consideration of plaintiffs' request for modification of the deadlines set forth in Case Management Order No. 11 for the cases of:

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

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and upon the agreement of the parties, it is hereby ordered as follows:

With respect to Defendants' pending Motions for Summary Judgment filed in the above-referenced cases at Control Numbers 064091 (Bare), 064090 (Dondore) and 064092 (Pohl), the briefing with respect to said motions shall proceed as follows:

1. Plaintiffs shall respond to Defendants' Motions for Summary Judgment on or before July 30, 2008.

2. Defendants shall file any replies in support of the foregoing motions on or before August 11, 2008.

3. No additional sur-replies or briefs will be permitted without leave of Court.

With respect to all other deadlines for the above-referenced cases, these actions shall proceed as follows:

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4. All factual discovery shall be completed in the above-referenced cases within 45 days after the Court rules on Defendants' Motions for Summary Judgment at Control Numbers 064091 (Bare), 064090 (Dondore) and 064092 (Pohl).

5. 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.

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

7. Depositions of experts designated for trial in the above-referenced cases 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.

8. Dispositive motions shall be filed by the parties in the above-referenced cases 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.

9. 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.

10. A final pre-trial conference shall be held in the above-referenced cases 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.

11. 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.

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

13. Nothing contained herein shall be construed as directing the order or manner in which trial shall be conducted in the above-referenced cases, 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:

Allan L. Tereshko

TERESHKO, J.

Dated: 7/24/2008

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