IN RE: BERYLLIUM LITIGATION : NOVEMBER TERM 2003

: No. 0002

AMENDED CASE MANAGEMENT ORDER NO. 13

AND NOW, on this 5th day of December 2008, upon the agreement of the parties, it is hereby **ORDERED** and **DECREED** that Case Management Order No. 13, entered in this matter on October 2, 2008, is hereby revised and amended as set forth below:

1. Depositions of experts designated by plaintiffs for trial in the above-referenced case shall be permitted and plaintiffs shall provide dates to defendants for the expert depositions of their experts within 14 days of the date of this Order. Depositions of plaintiffs' experts as set forth in this paragraph shall occur and be completed no later than January 23, 2009. The parties shall agree upon a manner for sharing fees and expenses of each expert for purposes of deposition.

2. Dispositive motions shall be filed by the parties in the above-referenced case on or before February 6, 2009. Any response to a dispositive motion shall be filed and served within 21 days after the motion is filed. Any reply to a response shall be filed and served within 10 days after the response is filed.

3. Frye motions as to any experts designated by plaintiffs shall be filed by the defendants on or before February 13, 2009. Any response to a Frye motion shall be filed and served by plaintiffs within 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.

In Re: Beryllium Litigation-ORDER

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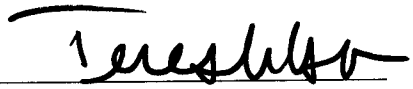
L. RYANT-DAVIS

In all other respects, the Court's Case Management Order No. 13 remains unchanged.

BY THE COURT:



TERESHKO, J.

A REGIONAL DEFENSE LITIGATION LAW FIRM

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December 3, 2008

VIA HAND-DELIVERY

Honorable Allan L. Tereshko
Attention: Donna Candelora, Esquire
Philadelphia Court of Common Pleas
Complex Litigation Center
City Hall, Room 622
Philadelphia, PA 19107

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RE: In Re: Beryllium Litigation
CCP, Philadelphia County, November Term, 2003, No. 0002
Our File Number: 14151-00146

Dear Judge Tereshko:

As you are aware, pursuant to Case Management Order No. 13 (CMO #13), the case of Stitzel v. NGK North America, et al., 0609000050, was referred to non-binding private mediation by the Court. Mediation of the matter is proceeding; the case is currently scheduled for a second day of mediation on December 11, 2008. So that the parties may fully explore mediation of the Stitzel case without need to expend further time and expenses to meet other pre-trial deadlines as currently set forth in CMO #13, the parties respectfully request the Court defer certain agreed-to case scheduling deadlines during the pendency of mediation activities in the matter.

On behalf of and with the consent of all parties in the Beryllium Litigation program, I respectfully submit proposed Amended Case Management Order No. 13 for the Court's consideration. Amended Case Management Order No. 13 provides for the deferral of certain case scheduling deadlines in Stitzel v. NGK North America, et al., 0605000050. The dates set forth in Amended Case Management Order No. 13 have been agreed to by all parties. The parties respectfully request that Amended Case Management Order No. 13, as proposed, be approved and entered by the Court.

We thank Your Honor for consideration of our request. If Your Honor should have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS C. DELORENZO

TCD/kac
Enclosure

cc: Ruben Honik, Esquire/Stephan Matanovic, Esquire
Neil S. Witkes, Esquire/Lynn Rauch, Esquire
Stephen J. Imbriglia, Esquire/Rupali Patel, Esquire
James C. Stroud, Esquire/John C. McMeekin, II, Esquire/Kimberly Lapworth, Esquire
Douglas Evan Ress, Esquire
(via facsimile only)

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