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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ABARCA, RAUL VALENCIA, et al.

Plaintiffs,

v.

MERCK & CO., INC., et al.

Defendants.

Case No. 1:07-cv-00388-OWW-DLB

**ORDER MODIFYING SCHEDULING
CONFERENCE ORDER**

Pursuant to the discussions between the Court and counsel at the Status Conference requested by counsel on December 22, 2009, the Court hereby further amends the January 28, 2009 Scheduling Conference Order (previously amended on August 11 and October 21, 2009) as follows:

“III. EXPERT DISCLOSURES AND DISCOVERY”

7. On or before February 26, 2010, defendants will designate expert witnesses and submit expert reports, pursuant to Federal Rule of Civil Procedure 26(a)(2), related to exposure. No other expert opinions or reports will be required at that time.

8. On or before March 11, 2010, plaintiffs will designate any rebuttal experts and submit expert reports in response to defendants’ expert reports, pursuant to Federal Rule of Civil Procedure 26(a)(2), related to exposure.

9. All expert and other discovery related to Phase 1 shall be completed by May 6, 2010.

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“IV. MOTIONS

10. Any dispositive motions based on the Phase 1 discovery and expert testimony shall be filed by June 1, 2010. Oppositions to these motions will be due by July 2, 2010, and replies will be due by July 16, 2010. The hearing on dispositive motions based on the Phase 1 discovery will be held on August 16, 2010 at 10:00 a.m.”

All other items in the August 11, 2009 Order Modifying Scheduling Conference Order shall remain as written.

APPROVED AS TO FORM:

Dated: December 23, 2009

MARDEROSIAN, RUNYON, CERCONE,
LEHMAN & ARMO

By: s/Michael Marderosian (as authorized 12/23/09)
MICHAEL MARDEROSIAN

Attorneys for Plaintiffs

Dated: December 22, 2009

LEWIS, BRISBOIS, BISGAARD & SMITH

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Attorneys for Defendant FRANKLIN COUNTY
WATER DISTRICT

1 Dated: December 22, 2009

GREENFIELD-HARDY

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Attorneys for Defendant MERCED IRRIGATION
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7 Dated: December 22, 2009

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Attorneys for Defendant COUNTY OF MERCED

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12 Dated: December 22, 2009

GREBEN & ASSOCIATES

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17 Dated: December 22, 2009

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22 Dated: December 22, 2009

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Attorneys for Defendants MERCK & CO., INC.;
AMSTED INDUSTRIES, INC.; BALTIMORE
AIRCOIL COMPANY, INC.; and TRACK FOUR,
INC.

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1 Dated: December 22, 2009

STEVENS, DRUMMOND & GIFFORD

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By: s/Gary Drummond (as authorized 12/22/09)
GARY DRUMMOND

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Attorneys for Defendants MEADOWBROOK
WATER COMPANY OF MERCED, INC.

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IT IS SO ORDERED.

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Dated: December 23, 2009

/s/ OLIVER W. WANGER
UNITED STATES SENIOR DISTRICT JUDGE

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