

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Gail Bredemus, Patricia Anderson,  
Nancy Benjamin, Carol Glidden,  
Yvonne Littlewolf, Donna Morgan,  
Donna Oachs, Simone Pemberton,  
Brenda Smith, Sharon Villier,  
Linda Herrera, Lashelle Masten,  
Larry Swanson, Leonard Swanson,  
Lonnie Swanson, Loren Swanson,  
and Luther Swanson,

Civil No. 06-1274 (DWF/RLE)

Plaintiffs,

v.

**ORDER**

International Paper Company, a New  
York corporation, f/k/a Champion  
International Corporation, f/k/a  
St. Regis Paper Company, f/k/a Wheeler  
Lumber Bridge and Supply Company;  
Burlington Northern and Santa Fe  
Railway Company, a Delaware  
corporation, f/k/a Great Northern  
Pacific & Burlington Lines, f/k/a  
Great Northern Railway Company; Dow  
Chemical Company, a Delaware  
corporation; and Pharmacia Corporation,  
f/k/a Monsanto Company, a Delaware  
corporation,

Defendants.

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Cory P. Whalen, Esq., James P. Carey, Esq., John W. Carey, Esq., and Shannon C. Keil, Esq., Sieben Grose Von Holtum & Carey, Ltd.; Don Russo, Esq., Don Russo, PA; Gary M. Hazelton, Esq., Hazelton Law Firm PLLC; Mark L. Rodgers, Esq., Rodgers Law Office PLLC; Thomas V. Girardi, Esq., and Thomas J. Johnston, Esq., Girardi Keese; William J. Delmore, Esq., Kelsch Kelsch Ruff & Kranda, counsel for Plaintiffs.

Robin Caneff Gipson, Esq., Timothy R. Thornton, Esq., Matthew R. Brodin, Esq., and Timothy G. Gelinske, Esq., Briggs & Morgan, PA, counsel for Defendant Burlington Northern and Santa Fe Railway Company; Gabrielle Sigel, Esq., Joanne Hannaway Sweeney, Esq., Lise T. Spacapan, Esq., and Stacy S. Jakobe, Esq., Jenner & Block LLP; James A. Sherer, Esq., Lynn S. Looby, Esq., The Dow Chemical Company; and Monte A. Mills, Esq., Sarah L. Brew, Esq., Greene Espel, PLLP, counsel for Defendant Dow Chemical Company; and C. Ron Hobbs, II, Esq., J. Eric Berry, Esq., Justin A. Relihan, Esq., Kenneth R. Heineman, Esq., Joseph Orlet, Esq., and Adam Miller, Esq., Husch Blackwell Sanders LLP; and George W. Flynn, Esq., Jennifer Flynn Rosemark, Esq., and Robert W. Vaccaro, Esq., Flynn Gaskins & Bennett, LLP, counsel for Defendant Pharmacia Corporation.

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Based upon the Report and Recommendation of Chief United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter,

**IT IS HEREBY ORDERED** that:

1. Dow, Pharmacia, and BNSF are directed to serve and file their “first phase” of dispositive Motions, as detailed in the Report and Recommendation dated April 15, 2009, **by no later than June 15, 2009.**

2. The District Court is deferring the submission, and consideration, of the Defendants’ joint Motion for Summary Judgment, based upon the statute of limitations, pending a ruling in the *Bennett* Litigation.

Dated: May 13, 2009

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court