

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Presby Environmental, Inc.

v.

Civil No. 08-cv-00434-JL

Advanced Drainage Systems, Inc.**ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on **March 23, 2009**.

The Discovery Plan (document no. 16) is approved as submitted, with the following changes:

- "DiBenedetto" disclosure deadline - **October 15, 2009**

Based on the discussions between the court and counsel/parties at the conference, the following are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the following affirmative defenses:
 - ADS's second (SOL), fifth (consent), sixth (license), and seventh (privilege).

• Presby's ¶126 (SOL), ¶131 (privilege), ¶142
(intervening/superseding cause), ¶134 (standing) and ¶143
(abuse/misuse).

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: March 24, 2009

cc: David W. Rayment, Esq.
Teresa C. Tucker, Esq.
Scott C. Walker, Esq.
Daniel J. Mullen, Esq.
Emily E. Root, Esq.
Keith Shumate, Esq.