

BROWN & CONNERY I.L.P.

WARREN W. FAULK
STEVEN G. WOLSCHIINA
PAUL MAINARDI
MICHAEL J. VASSALOTTI
WILLIAM M. IAMBUSCI
MARK P. ASSELTA*
STEPHEN J. D'FEO*
JOSEPH M. NARDI, III*
CHRISTINE P. O'HEARN*
JOSEPH T. CARNEY**
KAREN A. MCGUINNESS*

NATHAN A. FRIEDMAN*
OF COUNSEL
KATHIE L. RENNER*
OF COUNSEL
MICHAEL R. MIGNOGNA*
OF COUNSEL

THOMAS F. CONNERY, JR. (1915-2004)
HORACE G. BROWN (1907-1990)
HOWARD G. KULP, JR. (1906-1987)
* CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY

ATTORNEYS AT LAW AND PROCTORS IN ADMIRALTY
360 HADDON AVENUE
P.O. BOX 539
WESTMONT, NEW JERSEY 08108
TELEPHONE (856) 854-8900
FACSIMILE (856) 858-4967
www.brownconnery.com

WOODBURY, NJ 08096
(856) 812-8900

CAMDEN, NJ 08102
(856) 365-5100

PHILADELPHIA, PA 19102
(215) 592-4352

JACQUELINE R. BARRETT*
MARK CAIRA
WILLIAM F. COOK*
ANGELA M. DIORIO*
JOSEPH M. GAREMORF*
PATRICK J. HOLSTON*
SHAWN C. HUBER*
JEFFREY R. JOHNSON*
DIANE S. KANE*
SUSAN M. LEMING*
LOUIS R. LESSIG*
DONALD K. LUDMAN*
BETH L. MARLIN*
MICHAEL J. MILES*
STEPHANIE NOLAN DEVINEY*
HENRY OH*
CHRISTOPHER A. ORLANDO*
TAJRONDA E. PHOENIX*
GINA M. ROSWELL*
CILEEN W. SIEGELTUCH*
MATTHEW C. STICHER*
BLAIR C. TALTY*

* ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN NEW YORK
* ALSO ADMITTED IN DELAWARE

June 20, 2007

RECEIVED
FILE NO. 07-0197

JUN 22 2007

Hon. Joel Schneider, U.S.M.J.
United States District Court
for the District of New Jersey
Mitchell H. Cohen U.S. Courthouse
1 John F. Gerry Plaza
Camden, NJ 08101

JOEL SCHNEIDER
U.S. Magistrate Judge

Re: Center for Science in the Public Interest v. The Coca-Cola Company, et al
Civil Action No. 07-cv-00539

Dear Judge Schneider:

I am writing on behalf of all defendants with regard to the Court's June 14, 2007 Order setting an Initial Scheduling Conference in this matter for July 30, 2007 at 2:00 p.m., as well as the Court's Letter Order of the same date requesting briefs on whether this matter should be consolidated with Melfi v. The Coca-Cola Company, et al., C.A. No. 07-828 (NLH).

Unlike Melfi, in this case defendants filed a motion on May 14, 2007 to dismiss the entire action. Defendants' motion is directed not only to the sufficiency of plaintiff's claims, but also to plaintiff's standing to bring the claims against defendants. Under the briefing schedule approved by Judge Bumb, the motion to dismiss will be fully briefed and submitted to Judge Bumb for decision by July 30, 2007.

Also, unlike Melfi, plaintiff does not seek class certification of its action, and therefore class discovery would not be necessary even if plaintiff were a proper party.

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Defendants believe that unless and until it is determined by the Court that plaintiff is a proper party and the complaint asserts claims upon which relief can be granted, they should not be required to provide plaintiff with initial disclosures and other discovery, much of which is proprietary.

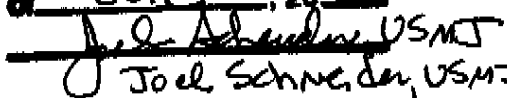
In light of the motion to dismiss the entire action, including defendants' challenge to plaintiff's standing, defendants respectfully request that the Scheduling Conference be postponed until Judge Bumb has decided the motion to dismiss. Postponement of the Scheduling Conference also will result in judicial economy and savings of attorneys' fees to the parties if the Court determines that the plaintiff is not a proper party and/or the claims are without merit.

Respectfully,


Warren W. Faulk

WWF/sjm

cc: Mark R. Cuker, Esq.
Stephen Gardner, Esq.
Carmine R. Zarlenga, Esq. (via e-mail)
Jane F. Thorpe, Esq. (via e-mail)
Gita F. Rothschild, Esq. (via e-mail)

REQUEST DENIED
So Ordered this 20th day
of June, 2007

Joel Schneider, USMJ