

OCEKMTBEC Speakerphone Conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 ORANGE COUNTY WATER DISTRICT,

4 Plaintiff,

5 v.

04 CV 04968 (SAS)

6 UNOCAL CORP, et al.,

7 Defendants.

8 -----x

New York, N.Y.
December 14, 2010
4:30 p.m.

10 Before:

11 HON. SHIRA A. SCHEINDLIN,

12 District Judge

13 APPEARANCES

14 MILLER AXLINE & SAWYER
15 Attorneys for Plaintiff
16 MICHAEL AXLINE

17 JEFFER MANGELS BUTLER & MITCHELL LLP
18 Attorneys for G&M OIL
19 EUDEEN CHANG
20 MONICA VU

1 (In open court)

2 THE COURT: Mr. Axline?

3 MR. AXLINE: Yes. Good afternoon, your Honor.

4 THE COURT: Good afternoon -- is it Mr. Chang?

5 MR. CHANG: It's Eudeen Chang. I also have my
6 colleague Monica Vu on the phone.

7 MS. VU: Good afternoon, your Honor.

8 THE COURT: Oh. But I saw a long letter from --
9 another matter, OK, got it.

10 MS. VU: That's coming up Thursday.

11 THE COURT: Before you speak, could you say your name?
12 Because we're on a telephone conference and the court reporter
13 has asked that you state your name each time you speak.

14 So this is a rather simple and quick conference. It
15 just has to do with a discovery schedule and the parties of
16 course were to meet and confer and propose an expedited
17 discovery schedule. And I gather you've agreed that fact
18 discovery can be completed by March 1st; is that right?

19 MR. AXLINE: This is Mike Axline. That's correct,
20 your Honor.

21 THE COURT: So that's the easy part. I also
22 understand that you have not jointly proposed or finalized a
23 proposal for expert discovery, and it seems to me that there's
24 no reason we can't work that out today too.

25 MR. AXLINE: This is Mike Axline, your Honor. The

1 parties in the larger case -- many of them are not on the
2 phone -- have been meeting and conferring with respect to an
3 expert discovery schedule, and that process is ongoing. I
4 would say it's been productive but hasn't resulted in a final
5 request or recommendation yet.

6 THE COURT: Well, that's what I'm saying, Mr. Axline,
7 that's what I'm saying. I've lost patience with that idea.
8 Why can't we get it done?

9 MR. AXLINE: We can, your Honor, but only G&M Oil and
10 OCWD are on this call.

11 THE COURT: That's true.

12 MR. AXLINE: I would expect that the expert discovery
13 schedule for the larger case is not going to be affected by the
14 fact discovery schedule that we have proposed to your Honor
15 with respect to G&M. However, do you think a conference
16 regarding progress on the expert discovery schedule is
17 advisable? I think perhaps we should do that at a time when
18 the rest of the parties can be on.

19 THE COURT: Do we have another scheduled general MTBE
20 conference after the pre-motion conference that's this Friday?

21 MR. AXLINE: Not until February, your Honor.

22 THE COURT: Oh. Well, February what? You don't know.
23 But I don't see why it should wait. It's like six or seven
24 weeks from now. Why can't we do it in January?

25 MR. AXLINE: This is Mike Axline, your Honor. We

1 certainly could. I would expect the parties to have something
2 to propose to you well before January, however, so --

3 THE COURT: OK, so let's try it this way: If I don't
4 have a schedule by January 7th, then I want to have a telephone
5 conference during the week of January 10th. And you can tell
6 them that to see if you can push this thing along. So tell
7 them, in the absence of a final schedule by January 7th, the
8 judge wants to have telephone conference scheduled the week of
9 January 10, OK?

10 MR. AXLINE: It's Mike Axline, your Honor. I will
11 notify the parties of that.

12 THE COURT: Excellent. So, will I be seeing you later
13 this week?

14 MR. AXLINE: You will, your Honor. The afternoon of
15 the Thursday.

16 THE COURT: Thursday in person? Oh, boy, another
17 transatlantic flight. Thanks, Mr. Axline, and thank you,
18 Mr. Chang and Ms. Vu.

19 COUNSEL: Thank you, your Honor.

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