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February 8, 2016

## BY ELECTRONIC MAIL AND HAND DELIVERY

The Honorable Shira A. Scheindlin  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 1620  
New York, New York 10007-1312

Re: Master File C.A. No. 1:00-1898 (SAS), M21-88, MDL No. 1358  
*Defendants' Pre-Conference Letter for February 16, 2016 Status Conference*

Dear Judge Scheindlin:

Defendants respectfully submit this letter in advance of the February 16 conference.

### DEFENDANTS' AGENDA ITEMS

#### **I. *New Jersey: Defendants' Request for NJDEP to Update Its 2012 Hazardous Sites Database Production***

Defendants have asked Plaintiffs to update their production of data from the State's HazSite database. This database is used to track MTBE (and other contaminant) levels at sites in New Jersey. Plaintiffs' last production (in 2012) only provided data through the first few months of that year. Defendants want this updated data so that we can understand the most current state-of-play at each of the Non-Trial Sites, which will help guide us (and Plaintiffs) in fashioning a discovery plan for those sites.

Plaintiffs have not agreed to Defendants' requests to update this production since October 2015, but have now offered to confer about it and other Phase II discovery issues. Defendants hope to begin that conversation next week and will be prepared to report on the status of discussions at the February 16 conference.

The Honorable Shira A. Scheindlin

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Respectfully submitted,

*James A. Pardo*

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cc: Plaintiffs' Liaison Counsel (by email)  
All counsel of record (by LNFS)