

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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IN RE METHYL TERTIARY BUTYL  
ETHER ("MTBE") PRODUCTS  
LIABILITY LITIGATION  
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ORDER

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

This document relates to:  
:  
*Commonwealth of Puerto Rico, et al. v.*  
*Shell Oil Co., et al.*, 07 Civ. 10470  
:  
*New Jersey Dep't of Env'tl. Prot. v. Atlantic*  
*Richfield Co.*, 08 Civ. 0312  
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SHIRA A. SCHEINDLIN, U.S.D.J.:

CASE MANAGEMENT ORDER NO. 124

WHEREAS both the *New Jersey*, 08 Civ. 0312, and *Puerto Rico I*, 07 Civ. 10470, cases have been partially remanded to their respective district courts for a Phase I trial on certain focus sites;

WHEREAS the parties have begun to engage in discovery for any trial or trials following the Phase I trial pursuant to Case Management Orders ("CMOs") Nos. 122, 123;

WHEREAS future discovery can be better focused with a defined structure for any future trials;

WHEREAS justice requires the efficient resolution of all litigation

consistent with the requirements of due process;

It is hereby ORDERED that any and all claims that remain following the Phase I trials shall be resolved in a single trial ("Phase II"), so long as such a trial protects the constitutional rights of all parties. The parties are directed to meet and confer on the structure of a Phase II trial in each case by the dates set in CMO No. 122 section 2 and CMO No. 123 section 6. Any dispute regarding the structure of such a trial will be resolved by the Court after full briefing, if required. Because the *New Jersey* and *Puerto Rico I* cases differ, the parties are not required to reach the same structure for a Phase II trial in each of those cases.

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
April 29, 2016