

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: Methyl Tertiary Butyl Ether ("MTBE") :  
Products Liability Litigation :

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

This Document Relates To: :  
*Orange County Water District v. Unocal* :  
*Corporation, et al.*, Case No. 04 Civ. 4968 :  
(VSB) :

The Honorable Vernon S. Broderick

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**CASE MANAGEMENT ORDER NO. \_\_\_\_  
(Further Proceedings on the BP and Shell Claims)**

WHEREAS, the claims of plaintiff Orange County Water District (the "District") against defendants Atlantic Richfield Company, BP Products North America Inc., and BP West Coast Products LLC (the "BP Defendants"), and Shell Oil Company, Equilon Enterprises LLC, and Texaco Refining and Marketing Inc. (the "Shell Defendants"), have been remanded to this Court by the U.S. Court of Appeals for the Second Circuit for further proceedings;

**IT IS HEREBY ORDERED THAT**

1. Within fifteen (15) days of the issuance of this Case Management Order, the BP and Shell Defendants and the District shall "meet and confer" to identify what additional documents or information is needed to address whether the District and the Orange County District Attorney (the "OCDA") are in privity for purposes of the District's claims in this action, and to discuss what discovery requests, including requests for admissions, interrogatories, and/or document requests, may be needed to obtain this information. The parties are encouraged to cooperate with respect to stipulations regarding authenticity and admissibility of documents.

2. Within twenty-one (21) days after the parties' "meet and confer" discussions are completed, the BP and Shell Defendants and the District shall serve any additional discovery requests needed to address the issue of privity between the District and the OCDA. The parties shall provide substantive responses to all discovery requests served pursuant to this paragraph not later than forty-five (45) days after such discovery requests are served.

3. If the parties are unable to agree on the authenticity and admissibility of documents, the party seeking to use such documents may take a deposition pursuant to Rule 30(b)(6) of a person knowledgeable regarding the documents and/or their subject matter.

4. Within thirty (30) days after the conclusion of any discovery contemplated by paragraphs 1 through 3 of this Case Management Order, the BP and Shell Defendants may file and serve a renewed motion for summary judgment on res judicata grounds. The District's opposition to that motion must be filed and served within \_\_ days after the motion is filed and served, and any reply shall be filed within \_\_ after the opposition is filed and served.

Dated:

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Hon. Vernon S. Broderick  
U.S.D.J.