

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

**IN RE: METHYL TERTIARY BUTYL
ETHER (“MTBE”) PRODUCTS
LIABILITY LITIGATION**

This document relates to:

**Quick, et al. v. Shell Oil Co., et al.,
05 Civ. 7269**

Koch, et al. v. Hicks, et al., 05 Civ. 5745

**Basso, et al. v. Sunoco, Inc., et al.,
03 Civ. 9050**

**Tonneson, et al. v. Exxon Mobil Corp.,
et al., 03 Civ. 8248**

ORDER

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

SHIRA A. SCHEINDLIN, U.S.D.J.:

CASE MANAGEMENT ORDER #18
(Scheduling Order for Private Well Cases)

It is hereby ORDERED, that:

This Case Management Order sets forth a schedule for discovery and motion practice in the following four cases (hereinafter the “Private Well Cases”):

- *Quick, et al. v. Shell Oil Co., et al.*
- *Koch, et al. v. Hicks, et al.*
- *Basso, et al. v. Sunoco, Inc., et al.*
- *Tonneson, et al. v. ExxonMobil Corp., et al.*

I. SCOPE OF DISCOVERY

Discovery in the Private Well Cases pursuant to this scheduling order shall be limited to case-specific discovery. Any discovery that relates to Plaintiffs' product liability claims or other issues that are generally applicable to all or most of the cases consolidated in MDL 1358 shall proceed pursuant to the Court's other relevant Orders, not pursuant to the schedule set forth herein.

II. DISCOVERY SCHEDULES

A. *Quick, et al. v. Shell Oil Co., et al.*

Fact discovery may begin upon entry of this order and shall be completed by July 30, 2006.

The parties agree that the case should move expeditiously toward a determination as to whether the case may proceed as a class action. Accordingly:

Plaintiffs shall file their Motion for Class Certification, any supporting memorandum and any materials to be used in support of the Motion for Class Certification no later than April 14, 2006;

Defendants may take the depositions of any witnesses identified by plaintiffs as providing testimony or evidence in support of the Motion for Class Certification by May 15, 2006;

Defendants Opposition to Plaintiffs' Motion for Class Certification

shall be filed no later than June 15, 2006;

Plaintiffs' Reply Brief in Support of Motion for Class Certification, if any, shall be filed no later than July 14, 2006;

The Court shall thereafter consider setting for hearing the Motion for Class Certification.

B. *Tonneson, et al. v. Exxon Mobil Corp., et al.; Basso, et al. v. Sunoco, Inc., et al.*

Tonneson and Basso are related cases – both involve alleged releases of gasoline containing MTBE in the Town of Highlands, Hamlet of Fort Montgomery, Orange County, New York. The cases shall proceed according to the following discovery schedule.

1. Fact Discovery

Fact discovery may commence upon the entry of this Order and shall be completed by June 30, 2006. Initial requests for production of documents shall be served by January 13, 2006. Responses to such requests shall be made and responsive documents produced by February 13, 2006. Fact depositions may commence on or after February 20, 2006. All written fact discovery requests and notices of fact depositions shall be served no later than May 31, 2006.

2. Expert Discovery

Any expert reports proffered by plaintiffs shall be served on

defendants by July 14, 2006. Any expert reports proffered by defendants shall be served on plaintiffs by August 14, 2006. Any expert depositions shall be completed by September 15, 2006.

3. Dispositive Motions

Any party may file a motion for summary judgment or other potentially dispositive motion on or before October 13, 2006. Any opposition papers shall be filed on or before November 13, 2006. Any reply papers shall be filed on or before December 11, 2006.

C. *Koch, et al. v. Hicks, et al.*

1. Amended Pleading and Preliminary Motions

Per the Court's Order dated December 12, 2005, the Plaintiffs were required to file an Amended Complaint by December 20, 2005. The Defendants shall answer or otherwise respond to the Amended Complaint by January 9, 2006. Opposition thereto is due by January 27, 2006, and reply memoranda are due by February 8, 2006.

2. Class Certification

The Plaintiffs have withdrawn their previously filed Motion for Class Certification. If the Plaintiffs intend to refile their motion, they shall identify their proposed class representatives by January 16, 2006. The parties shall serve all

written discovery requests directed to class certification by February 15, 2006, and shall serve responses thereto by March 17, 2006. All depositions directed to class certification shall be completed by July 14, 2006. The Plaintiffs shall file their Motion for Class Certification by August 15, 2006. Opposition thereto shall be due by September 15, 2006. Replies shall be filed by October 6, 2006. The Court shall thereafter consider setting for hearing the class certification motion.

3. Fact Discovery

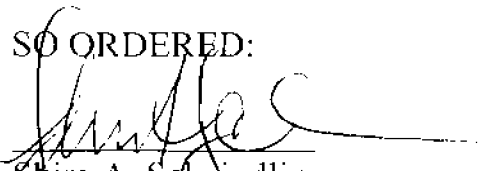
Fact discovery shall be completed by December 4, 2006.

Accordingly, all written fact discovery requests shall be served no later than February 15, 2006. Responses shall be served by March 17, 2006.

Koch Plaintiffs previously served a request for admissions to Defendant Hicks before the Koch action was removed. Plaintiffs will withdraw these request for admissions and may propound new discovery requests per the schedule set forth in this Order. All such discovery will supersede any previous discovery propounded in this matter.

Dated: New York, New York
December 28, 2005

SO ORDERED:


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

-Appearances-

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