

CMO #4A

NEW YORK STATE PHOSPHO-SODA
PRODUCTS LIABILITY LITIGATION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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MARY WILKAT and GERALD WILKAT, :

Plaintiffs, :

-against- :

C.B. FLEET HOLDING CO., INC., C.B. FLEET
CO., INC., MILRUE CHEMISTS INC., d/b/a MIL
RUE PHARMACY, :

Defendants. :

----- X

Index No.: 108740/07
Panel Case No.: 0005/2005

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by counsel for plaintiffs and defendants,
that the following deadlines shall govern this action:

1. Plaintiffs' deposition shall be completed on or before Nov. 30, 2007;
2. All fact discovery shall be completed on or before Dec. 28, 2007;
3. Plaintiffs' expert disclosures shall be served on or before Feb. 18, 2008;
4. Defendants' expert disclosures shall be served on or before March 18, 2008;
5. Depositions of expert witnesses shall be by stipulation of the parties or, if they cannot agree, by Order of the Court upon a showing of good cause;
6. Note of Issue and Certificate of Readiness shall be served on or before April 11, 2008.

Dated: New York, New York
September 18, 2007

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and C.B. Fleet Co., Inc.

9-27-07

SO ORDERED



764000/2004

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN RE: FLEET PHOSPHO-SODA PRODUCTS
LIABILITY LITIGATION

X
: Hon. Marcy S. Friedman
: Index No. 560001/05
X

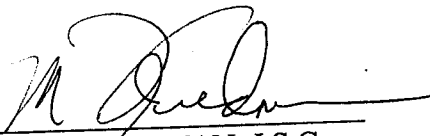
CASE MANAGEMENT ORDER NO. 5

On the court's own motion, it is hereby

ORDERED that the order on the record on October 30, 2007, the transcript of which was so ordered on December 5, 2007, is hereby modified to provide that any Frye motions in the Fleet-Phospho Soda products liability litigation shall be brought on the same schedule as the schedule for motions for summary judgment, as set forth on the record dated October 30, 2007. The October 30, 2007 order otherwise remains in full force and effect.

This constitutes the decision and order of the court.

Dated: New York, New York
December 6, 2007



MARCY FRIEDMAN, J.S.C.
Hon. Marcy S. Friedman