

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

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IN RE: FLEET PHOSPHO-SODA PRODUCTS  
LIABILITY LITIGATION  
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764000/2004  
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X  
: Hon. Marcy S. Friedman  
: Index No. 560001/05  
X

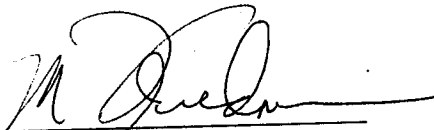
**CASE MANAGEMENT ORDER NO. 5**

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

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