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TOBY SCHECHNER,	:	
	:	Index No. 112392/09
Plaintiff,	:	
	:	
-against-	:	
	:	
C.B. FLEET HOLDING CO., INC.,	:	
	:	
Defendants.	:	
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MARSHA WESTFALL and RICHARD	:	
WESTFALL,	:	
	:	Index No. PENDING
Plaintiffs,	:	
	:	
-against-	:	
	:	
C.B. FLEET CO, INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----	X	

WHEREAS the parties in the coordinated New York State Fleet Phospho-Soda ("FPS") Litigation, *In Re: FPS Products Liability Litigation*, have advised the Court that on April 20, 2010 defendant C.B. Fleet Co., Inc. ("Fleet") entered into a Settlement Term Sheet with the Plaintiffs Executive Committee ("PEC") for the federal FPS Multi-District Litigation, *In Re: Oral Sodium Phosphate Solution-Based Products Liability Litigation*, MDL 2066; and

WHEREAS the Court is advised that the Settlement Term Sheet entered into between Fleet and the PEC outlines the general terms for a comprehensive agreement (the "Master Settlement Agreement") to be negotiated and entered into on or before May 20, 2010, outlining the process and procedure for settling all pending claims against C.B. Fleet Co., Inc., and certain other co-defendants, arising out of the ingestion of more than 45mL of FPS in a 24-hour period; and

WHEREAS counsel for all parties in the coordinated New York State FPS Litigation have requested a stay of all discovery to allow the parties to focus on the ongoing settlement efforts while preserving limited and dissipating resources;

IT IS HEREBY ORDERED THAT:


1. All discovery dates and deadlines contained in previous Case Management Orders in this litigation are stayed;
2. If by May 21, 2010, Fleet and the PEC fail to enter into a Master Settlement Agreement, the parties in the coordinated New York State FPS Litigation shall meet-and-confer as soon as practical, but no later than May 27, 2010 to agree upon:

- a. mutually-convenient dates between May 31, 2010 and July 15, 2010 for rescheduling of the depositions of Douglas Bellaire (Fleet), Jeff Rowan (Fleet), Mark Schliff (Wegmans), Frank Wolff (Tops), Paul Margeson (Rite Aid), and Rob McCabe (Walgreens); and
- b. a new proposed Case Management Order for completing all discovery by November 30, 2010.

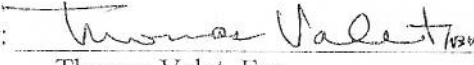
3. The parties in the coordinated New York State FPS Litigation shall advise the Court as soon as practical if a Master Settlement Agreement has been entered into by May 21, 2010. Whether or not a Master Settlement Agreement is entered into, the Court will hold telephone conference on June 1, 2010, at 2:30 p.m. to discuss the status of this litigation and all related issues, including but not limited to the potential severance and transfer of the *Westfall* action.

4. These deadlines shall not be modified, except upon Order of the Court for good cause shown.

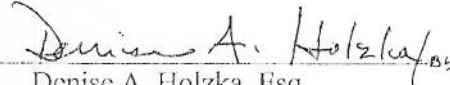
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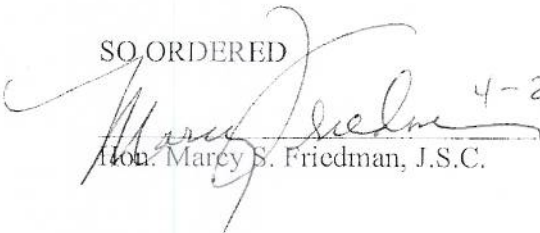
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Dated: New York, New York  
April \_\_, 2010

SO ORDERED  
  
Hon. Marcy S. Friedman, J.S.C. 4-26-10