

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 04-2222 BLS
(Judge van Gestel)

PLAINTIFF GROUP, INC.

vs.

DEFENDANT COMPANY

ORDER ON RULE 16 CONFERENCE

This matter came before the Court on September 28, 2005, pursuant to Rule 16 to establish a special Tracking Order for this case. This Order recites the action taken after considering the parties' positions and the Court's calendar, and such Order when entered shall control the subsequent course of this action, unless modified hereafter.

- A. All remaining discovery, excluding expert discovery if any, shall be completed by December 2, 2005. This means that all interrogatories, excluding expert interrogatories, will be served so that they can be answered, all documents requested so that they can be produced and all depositions noticed so that they can be completed by that date.
- B. All experts shall be identified and any expert interrogatories shall be answered on or before December 23, 2005. Any further expert discovery shall be completed by January 13, 2006.
- C. The Court has set aside the period from January 16, 2006 to February 20, 2006 as a period within which the parties may pursue mediation or such other ADR as they may choose.
- D. Any Rule 56 or other dispositive motions shall be served, pursuant Superior Court Rule 9A, no later than March 13, 2006, responded to no later than April 10, 2006, and filed by April 17, 2006. Oral argument on such motions will be held at 2:00 p.m. on April 20, 2006.

- E. The final pre-trial conference will be held on June 19, 2006 at 2:00 p.m.
- F. Trial is scheduled for July 10, 2006 at 9:00 a.m. Trial will be [with a jury or jury-waived]. The Court has set aside 10 days for trial.

DATED: September 29, 2005

Allan van Gestel
Justice of the Superior Court