



Corodemus & Corodemus
Attorneys at Law

January 29, 2013

Re: Passaic River – Requests to File Motions to Dismiss the State’s Fourth Amended Complaint and OCC’s Second Amended Cross Claims

Dear Counsel:

I have reviewed the requests for reconsideration of my January 10, 2013 decision granting permission to file motions to dismiss the State’s Fourth Amended Complaint and OCC’s Second Amended Cross Claims. After considering the issue, I have decided to deny the request in part and to reserve on the remainder.

With the exception of the motions involving jurisdiction, I will continue to allow the parties to file their motions to dismiss. The parties are about to begin depositions, and I believe deciding these issues before the depositions take place will benefit the orderly progression of this litigation. I will defer my decision regarding whether the parties are permitted to file the jurisdictional motions until after I have decided the remaining motions to dismiss and until after any appeals to the trial court.

Based on my decision, the parties are permitted to file their motions to dismiss, with the exception of those involving jurisdiction, and are to comply with the following briefing schedule:

<u>Submission</u>	<u>Due Date</u>
Moving Papers	February 18, 2013
Opposition Papers	March 4, 2013
Reply Papers	March 11, 2013

All briefs must be filed with me electronically as per the above schedule and pursuant to paragraph two of CMO XII. The parties must submit i-briefs (or similarly formatted electronic versions of their briefs) on CD. The i-briefs must contain hyperlinks to referenced legal authority and referenced documents (for example, pleadings, orders, and judicial opinions). Each CD must be labeled with an abbreviated caption, the names of the included documents, the names of the parties submitting the documents, and the names of the law firm submitting the documents. This information must be on the CD itself and on any case containing the CD.



Corodemus & Corodemus
Attorneys at Law

Before closing this letter, one procedural issue also merits discussion. As correctly noted by counsel for Repsol, the relevant case management order does not provide a procedure for reconsideration of a decision to approve the filing of a motion. To allow these types of motions would hinder the orderly progression of this highly complex litigation, and as a result, I do not approve of this procedure. While I am altering my prior opinion to at least some degree, I do not condone the use of this procedure in the future.

Best regards,

Marina Corodemus

Judge Marina Corodemus (Ret.)
SPECIAL MASTER PASSAIC RIVER
Director of ADR Practice Area
Corodemus & Corodemus, LLC