

No. 134, Original

**In the
SUPREME COURT OF THE UNITED STATES**

**STATE OF NEW JERSEY,
Plaintiff**

v.

**STATE OF DELAWARE,
Defendant**

OFFICE OF THE SPECIAL MASTER

CASE MANAGEMENT ORDER NO. 7

June 13, 2006

CASE MANAGEMENT ORDER NO. 7

1. Pursuant to the provisions of Case Management Order No. 1, the parties filed lists of proposed issues of law and fact. The Special Master has today ruled on New Jersey's motion to strike some of Delaware's proposed issues of fact. Going forward, the parties should direct their discovery and briefing to the following issues that the pleadings have framed for decision by the Court:

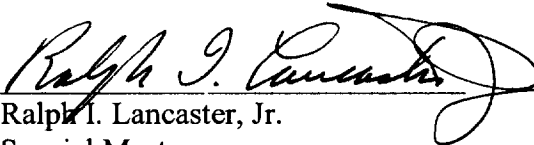
- (a) Is the 1905 Compact unenforceable?
- (b) Which state was or which states were given regulatory authority by the Compact of 1905 over projects, such as the Crown Landing project, constructed on the New Jersey shore but extending beyond the low water line within the 12-mile circle?
- (c) Did New Jersey lose any relevant rights conferred by the Compact of 1905 through the doctrine of prescription and acquiescence?
- (d) Is either state estopped from claiming exclusive jurisdiction over projects physically constructed on the New Jersey shore but including improvements or modifications beyond the low water line within the 12-mile circle?

2. Delaware's proposed issues of fact nos. 6 and 8 and the other "issues of law" and "issues of fact" proposed by the parties more appropriately identify potential areas of discovery that may lead to relevant and admissible evidence relating to the issues listed in section 1 of this Order and not issues for decision by the Court.

3. In light of today's Order on New Jersey's motion to strike, BP America Inc. (on behalf of the BP-related entities) and the parties are directed to inform the Special Master on or before June 20, 2006, which issues, if any, raised in BP's Motion to Quash, in Part, Subpoenas served by the State of Delaware or, in the Alternative, for a Protective Order, remain unresolved. If BP and the parties are unable to agree upon the foregoing, they each shall file a brief on or before June 20, 2006, of no more than 5 pages addressing the effect of today's Order on BP's Motion and identifying the issues raised in BP's Motion that remain unresolved.

4. Any requests for modification or supplementation of this Case Management Order should be received by the Special Master on or before June 20, 2006.

Dated: June 13, 2006


Ralph I. Lancaster, Jr.
Special Master

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