

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. 5

May 5, 2006

CASE MANAGEMENT ORDER NO. 5

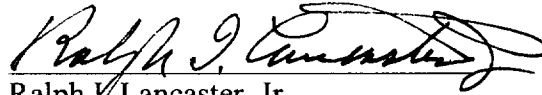
For purposes of the proceedings before the Special Master, IT IS HEREBY ORDERED THAT:

1. Counsel for the State of Delaware shall confer promptly with counsel for British Petroleum regarding the proper procedure to be followed to address issues that cannot be resolved by a conference of counsel arising out of subpoenas served on British Petroleum by the State of Delaware, having regard to the provisions of the Case Management Plan, with particular reference to sections 10 and 13 of said Plan and Rule 45 of the Federal Rules of Civil Procedure. Counsel for Delaware shall then promptly inform the Special Master and the State of New Jersey, by email, of the process which will be followed. In the event that British Petroleum intends to file a motion to quash or a motion for protective order or that Delaware intends to file a motion to compel regarding the documents requested by the aforesaid subpoena, that motion, and any accompanying brief, shall be filed on or before May 15, 2006; any opposition brief shall be filed on or before June 2, 2006; and any reply brief shall be filed on or before June 9, 2006, unless otherwise ordered by the Special Master.

2. Because May 29 is Memorial Day, sections 6.2 and 6.3 of the Case Management Plan are hereby amended, at the request of both parties, to substitute the date of May 31, 2006 for the date of May 29, 2006 in each instance.

3. Any requests for modification or supplementation of this Case Management Order should be received by the Special Master on or before May 10, 2006.

Dated: May 5, 2006



Ralph J. Lancaster, Jr.
Special Master

Pierce Atwood LLP
One Monument Square
Portland, ME 04101
Tel: (207) 791-1100
Fax: (207) 791-1350
Email: rlancaster@pierceatwood.com