

**No. 134, Original**

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

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**STATE OF NEW JERSEY,**

**Plaintiff**

**v.**

**STATE OF DELAWARE,**

**Defendant**

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**OFFICE OF THE SPECIAL MASTER**

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**CASE MANAGEMENT ORDER NO. 15**

**December 11, 2006**

## CASE MANAGEMENT ORDER NO. 15

1. New Jersey has filed a motion and accompanying brief seeking to strike in its entirety an expert report prepared for Delaware by Joseph Sax and to strike certain portions of another expert report prepared for Delaware by Carol E. Hoffecker, principally on the ground that the challenged reports provide legal opinion or argument and thus should be held inadmissible.

2. Delaware has filed a brief in opposition to New Jersey's motion, New Jersey has filed a reply, and both parties presented oral argument on the issues raised in New Jersey's motion on December 8, 2006.

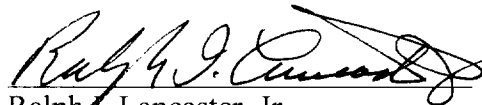
3. Upon consideration of the parties' submissions and arguments, it is hereby ordered that New Jersey's motion to strike, treated as a motion *in limine*, is DENIED.

4. If Delaware chooses to submit and rely upon the two challenged expert reports in connection with the filing of its dispositive motion, New Jersey may address the admissibility and significance of the reports in connection with its own filings in response to Delaware's dispositive motion, and may submit up to five (5) additional pages in its memorandum in opposition to Delaware's dispositive motion devoted to responding to the points made in the Sax and/or Hoffecker expert reports.

5. The Special Master will give the reports the weight, if any, to which they are entitled in ruling on the parties' dispositive motions.

6. Any requests for modification or supplementation of this Case Management Order should be received by the Special Master on or before December 15, 2006.

Dated: December 11, 2006

  
Ralph A. Lancaster, Jr.  
Special Master

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