

SUPREME COURT OF NEW JERSEY
September Term 2005
Docket No. 58,879

STATE OF NEW JERSEY,

Plaintiff-Appellant,

v.

JANE H. CHUN, et al.,

Defendants-Respondents.

**SUPPLEMENTAL MANAGEMENT
AND
DISCOVERY ORDER
MARCH 17, 2006**

APPEARANCES

Christine A. Hoffman, Deputy Attorney General
Jessica S. Oppenheim, Assistant Attorney General
Stephen H. Monson, Deputy Attorney General
John J. Dell'Aquilo, Deputy Attorney General
Jeffrey Evan Gold, Esquire
James P. Condon, Esquire
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Samuel Louis Sachs, Esquire
Matthew W. Reisig, Esquire
John Menzel, J.D.
Evan M. Levow, Esquire

SUPPLEMENTAL MANAGEMENT AND DISCOVERY ORDER

As a result of our conference on March 10, 2006 at Westmont, New Jersey, the court enters this order:

1. The defense and amici have agreed to take reasonable care of the 3.11 machines and discs on loan from the State. The defense and amici must return the machines and discs in reasonable condition, allowing for normal wear and tear. The machines and discs must not be used for any purpose other than for necessary discovery and investigation in these pending matters. The

machines and discs are not to be used in any other litigation.

2. All counsel participating in this matter will learn certain facts and theories about the materials subject of this discovery proceeding and litigation. They are not precluded from using this information as part of their general storehouse of professional skill, knowledge and competence.

3. The court is currently inclined to accept Draeger's offer, as outlined in Deputy Attorney General Munson's letter of March 15, 2006. I take it that the State will obtain possession of the instructions, source codes, and algorithms, which will then be subject to discovery but pursuant to an appropriate protective order. As to the terms of the protective order, the court is inclined to adopt the State and Draeger's proposed protective order but invites your comments within five calendar day from March 17, 2006 before making a final decision. Clearly, a breach of the protective order and revelation of trade secrets could result in a claim for damages and injunctive relief by Draeger.

4. The next management conference shall be on June 30, 2006 at 10:00 a.m. in Westmont.

5. The State shall issue its witness list by April 3, 2006. The State shall issue its expert reports by June 2, 2006. The defense and amici shall issue its expert reports by August 1, 2006. The hearing will begin in Camden on September 18, 2006 and continue thereafter from day to day.

So ordered.

MICHAEL PATRICK KING, P.J.A.D., retired

and Special Master

DATED: March 17, 2006