

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DOROTHY ABNER, et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 2:14cv63-KS-MTP

HERCULES, INC., et al.

DEFENDANTS

CASE MANAGEMENT ORDER NO. 1

The Court, having considered the Defendants' Motion [18] for Entry of *Lone Pine* Case Management Order in a separate Order and Opinion [35], **ORDERS** as follows:

1. On or before May 11, 2015, the Plaintiffs shall serve on the Defendants expert affidavit(s) demonstrating for each of their properties identified in the First Amended Complaint that:
 - a. The property and the alleged migration pathway has been sampled by a qualified expert;
 - b. The samples have been analyzed by a qualified laboratory;
 - c. Lab analysis detected constituents¹ that have been detected on the Hercules site; and
 - d. Lab analysis confirmed the existence of a migration pathway from the Hercules site to the property, or other cause.
2. The affidavits shall identify the sampling method(s) employed and the media sampled (e.g. groundwater, soil), as well as the migration pathway for each property.
3. Defendants shall promptly provide Plaintiffs with any ongoing, additional testing/sampling results of the Hercules site or surrounding area.
4. The discovery conducted in *Blackard et al. v. Hercules, Inc.*, 2:12cv175-KS-MTP, may be used in this case.
5. Except as provided herein or made upon motion and good cause shown, no other discovery shall be conducted in this case until Plaintiff's have complied with this order and the Court has entered a Case Management Order governing further discovery and

¹When used herein "constituents" refers to hazardous materials, chemicals or substances.

- trial.
6. Those Plaintiffs who cannot establish the existence of constituents on their property or a migration pathway, or who otherwise do not comply with this Order, may be ordered to show cause why their claims should not be dismissed.

SO ORDERED this the 10th of November, 2014.

s/ Michael T. Parker

United States Magistrate Judge