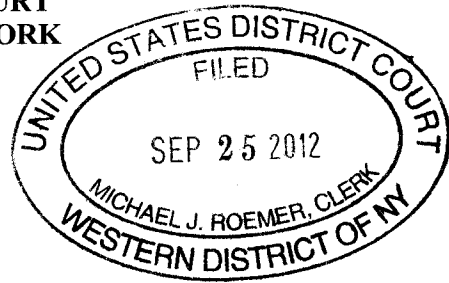


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK



JASON BAKER, JOHN BREWSTER, JOANN  
BREWSTER, MAXINE CONDON, KAREN  
FARRELL, BROOKS LIDDIARD, JANET  
LIDDIARD, JAMES MCDERMOTT, HEIDI  
MCDERMOTT, PAUL MOREY, DONETTA  
MOREY, JOE TODD, BONNIE TODD, TOM  
WHIPPLE and PAULINE WHIPPLE,

Plaintiffs,

v.

ANSCHUTZ EXPLORATION CORPORATION,  
CONRAD GEOSCIENCE CORPORATION,  
PATHFINDER ENERGY SERVICES, INC. and  
JOHN and JANE DOES 1 through 100,

Defendants.

Case No. 6:11-cv-06119-CJS-JWF

**MODIFIED  
SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), it is ORDERED that the second phase of discovery in this case shall proceed as follows:

- a. By June 15, 2012, any additional sampling of Plaintiffs' residential water wells shall be completed. If split sampling and testing is desired, the parties shall meet and confer regarding a mutually agreeable sampling protocol.
- b. By July 15, 2012, Defendants shall provide Plaintiffs with all data and documents related to the monitoring wells subject to a pending motion (Doc. 70) to disclose should the aforesaid motion be decided in Plaintiffs' favor.
- c. By August 15, 2012, Plaintiffs shall provide Defendants with the following:
  1. Expert opinion(s) provided by way of report(s), with supporting data and facts in the form required by Fed. R. Civ. P. 26(a)(2)(B), that establish for Plaintiffs

(a) the identity of each and every hazardous substance to which Plaintiffs claim exposure as a result of Defendants' activities; (b) if other than the Plaintiffs' residences, the precise location of any claimed exposure; and (c) an explanation of causation.

2. Each and every study, report, and analysis that contains any finding of contamination on Plaintiffs' property or at the point of each Plaintiff's claimed exposure to the extent not already provided.

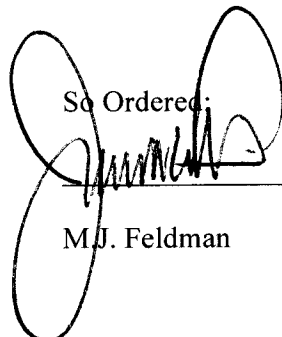
3. Identification and quantification of contamination of the Plaintiffs' real property that Plaintiffs' claim is attributable to Defendants' operations.

d. By August 15, 2012, Defendants shall provide Plaintiffs with expert report(s) with supporting data and facts in the form required by Fed. R. Civ. P. 26(a)(2)(B).<sup>1</sup>

e. By October 31, 2012, the parties shall complete the depositions of their respective experts and Joseph Yarosz of the New York State Department of Environmental Conservation.

During this second phase of discovery, no other discovery directed at Parties may be conducted absent leave of Court and good cause shown.

Dated: 9/25, 2012

So Ordered:  
  
M.J. Feldman

<sup>1</sup> Should staggered service of expert reports be required, then plaintiffs propose August 30, 2012 as the defense report date and September 14, 2012 as plaintiffs' rebuttal report deadline.