

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK,
 By BARBARA D. UNDERWOOD,
 Attorney General of the State of New York,

Plaintiff,

– against –

EXXON MOBIL CORPORATION,

Defendant.

Index No. 452044/2018

IAS Part 61
 Hon. Barry R. Ostrager

**PRELIMINARY
 CONFERENCE ORDER –
 COMMERCIAL DIVISION**

APPEARANCES:

Plaintiff: People of the State of New York, by Barbara D. Underwood, Attorney General of the State of New York

Defendant: Theodore V. Wells Jr., Daniel J. Toal, Justin Anderson & Nora Ahmed (Paul, Weiss, Rifkind, Wharton & Garrison LLP)

It is hereby ORDERED that disclosure shall proceed as follows:

(1) BILL OF PARTICULARS (See CPLR 3130(1)):

- (a) Demand for a bill of particulars shall be served by N/A on or before N/A.
- (b) Bill of particulars shall be served by N/A on or before N/A.

(2) DOCUMENT PRODUCTION:

- (a) Demand for discovery and inspection shall be served by all parties on or before December 14, 2018.
- (b) Response to demand shall be served by all parties on or before January 14, 2019. Plaintiff shall produce all transcripts of testimony from ExxonMobil employees on or before November 16, 2018. Plaintiff shall produce documents and transcripts of testimony from third parties promptly after notice is provided. In the event a third party objects, the NYAG will promptly notify ExxonMobil, and to the extent the objection cannot be resolved by the parties, both parties agree that the objection will be promptly raised with the Court.

(3) INTERROGATORIES:

- (a) Interrogatories shall be served by all parties on or before December 14, 2018.
- (b) Answers to interrogatories shall be served by all parties on or before January 14, 2019. Contention Interrogatories shall be served by all parties on or before April 1, 2019.

Responses to Contention Interrogatories shall be served by all parties on or before May 1, 2019.

(4) DEPOSITIONS ON ORAL QUESTIONS:

Depositions on oral questions for all parties and non-parties shall be held by July 12, 2019.

(5) OTHER DISCLOSURE:

Fact discovery shall close on May 1, 2019.

Plaintiff shall identify and notify Defendant of its expert witnesses on or before May 1, 2019.

Plaintiff shall provide Defendant with its expert witness reports on or before May 8, 2019.

Defendant shall identify and notify Plaintiff of its expert witnesses on or before June 12, 2019.

Defendant shall provide Plaintiff with its expert witness reports on or before June 19, 2019.

Deposition of experts (which may be taken at any point after the opening report is served) shall be complete on or before July 12, 2019. Parties are presumptively limited to one deposition of each expert identified by another party. To the extent that Exxon deposes NYAG's experts prior to the submission of Exxon's expert reports, Exxon may not seek to preclude any testimony from NYAG's experts responsive to opinions in Exxon's experts' reports solely on the basis that Exxon lacked notice of such testimony. NYAG's expert(s), however, shall not offer any testimony that falls outside the scope of (i) their expert report(s), or (ii) responding to the opinions offered in Exxon's expert report(s). Expert discovery shall close on July 12, 2019.

(6) If an issue arises relating to disclosure, the parties shall: contact the Part Clerk to request a conference.

(7) IMPLAIDER: Shall be completed on or before: per CPLR.

(8) END DATE FOR ALL DISCLOSURE: July 12, 2019.

(9) COMPLIANCE CONFERENCE: Shall be held on: July 19, 2019. June 25, 2019 @ 2:15

(10) MOTIONS: Any dispositive motion(s) shall be made on or before July 26, 2019. Any opposition brief shall be filed on or before August 23, 2019. Any reply brief shall be filed on or before September 6, 2019.

(11) NOTE OF ISSUE: Plaintiff shall file a note of issue/certificate of readiness on or before July 19, 2019.

A copy of this order shall be served and filed with the note of issue.

THE DATES SET FORTH HEREIN MAY NOT BE ADJOURNED EXCEPT WITH APPROVAL OF THE COURT

SO ORDERED:

Dated: November 15, 2018 _____, J.S.C.

ADDITIONAL DIRECTIVES

In addition to the directives set forth above, it is further ORDERED as follows:

The parties agree to furnish in good faith preliminary witness and exhibit lists without prejudice to subsequent modification in advance of trial. The provision of this information does not alter the rights or obligations of the parties under the CPLR, the Rules of the Commercial Division or the Practice Rules for Part 61. The dates for the initial exchange of Preliminary Witness and Exhibit Lists are as follows:

Plaintiff shall provide a Preliminary Exhibit List and Witness List on or before February 1, 2019.

Defendant shall provide a Preliminary Exhibit List and Witness List on or before February 15, 2019.

Final Witness and Exhibit Lists, Pre-trial Motions, Proposed Facts to be Proven at Trial, and Deposition Designations are due on or before September 27, 2019.

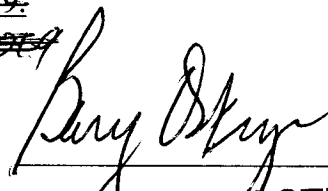
Motions in Limine are due on or before October 4, 2019. *by OSC*

Final Pre-Trial Conference is scheduled for October 7, 2019, *unless a motion in limine is filed.*

Trial shall begin on ~~October 18, 2019.~~

October 23, 2019 ~~October 18, 2019~~

SO ORDERED:

Dated: November 15, 2018  _____, J.S.C.
BARRY R. OSTRAGER
JSC