

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: CIVIL TERM: PART 12

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IN RE 91ST STREET CRANE COLLAPSE LITIGATION:

Index No. 771000/2010E
Date: 1/13/2012

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THIS DOCUMENT RELATES TO: ALL CASES
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CASE MANAGEMENT ORDER NO. 20

PAUL G. FEINMAN, J.:

I. Next Compliance Conference:

The next conference previously scheduled for Thursday, February 2, 2012, at 2:15 p.m. is adjourned to March 8, 2012, at 2:15 p.m. The court has other matters, including an ongoing joint trial of five asbestos cases, that require its resources and attention during the next four to six weeks. Before the next conference, as set forth later in this case management order, there are a sufficient number of depositions scheduled for the months of January and February to keep this litigation moving forward. Also, the trial in the related criminal matter is set to commence February 21, 2012, and much of the remaining EBT scheduling hinges on the completion of the criminal trials.

II. Amended deposition schedule

At the compliance conference of January 5, 2011, the court was made aware that the schedule set in Case Management Order #19 must be revised. The parties have requested modifications due to scheduling conflicts, changed circumstances, or omissions of certain individuals made by the court in that order. The schedule provided in Case Management Order #19 is now amended as follows, subject to future modifications as the court may deem fit:

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Track 2:

February 8: Conneely - Joe Conneely (a.m) and Claire Conneely
February 10: Conneely - Summer Lee (a.m) and Joshua Nuckols
February 13: Conneely - Cathie M. Pflieger (a.m) and Tara Price
February 15: Conneely - Reto Rauschenberger (a.m) and Gil & Sharon Rachlin
February 20: *No depositions scheduled - Washington's Birthday*
February 22: Doran
February 24: Odermatt - Vered Ohayon and Noel Allum
February 27: Bryant
February 29: Leino¹
March 12: Wellens - Wellens (a.m.) and Barnes (p.m.)²
March 14: Calabro

Track 3:

January 18: Leon D. DeMatteis Construction Corporation - Anthony Corrado (Day #1)
January 20: *No Track 3 depositions - Open date for any necessary Track 2 depositions*
January 23: Leon D. DeMatteis Construction Corporation - Anthony Corrado (Day #2)
January 25: Sorbara Construction Corp. - William Kell (Day #1)
January 27: Sorbara Construction Corp. - William Kell (Day #2)
January 30: Sorbara Construction Corp. - John Boitz (Day #1)
February 1: Sorbara Construction Corp. - John Boitz (Day #2)
February 3: Sorbara Construction Corp. - John Samuels (Day #1)
February 6: Sorbara Construction Corp. - John Samuels (Day #2)
February 17: Mattone Group Construction Co. Ltd., Mattone Group Ltd., Mattone
 Group, LLC - Douglas MacLaury (Day #1)
February 20: *No depositions scheduled - Washington's Birthday*
March 1: Uke Kurtaj (Day #1)

¹The court was advised at the January 5th conference that the Leino plaintiffs cancelled their deposition at the last minute. The court has rescheduled this deposition of February 29th and if plaintiff fails to appear, its complaint shall be deemed stricken.

²The court is aware that counsel for these plaintiffs has sought to be relieved and the proceedings in this action are currently stayed. If the stay is not lifted prior to March 12, the parties may either enter into a mutually agreeable adjourned date or seek guidance from the court at a subsequent conference.

March 2: Uke Kurtaj (Day #2)
March 5: Mattone Group Construction Co. Ltd., Mattone Group Ltd., Mattone Group, LLC - Douglas MacLaury (Day #2)
March 7: Brady Marine - Jose Ramos (Day #1)
March 9: Brady Marine - Jose Ramos (Day #2)

The parties remain free to alter this deposition schedule so long as all parties execute a stipulation clearly detailing any such changes, and provided that the court is furnished with a copy of such stipulation at least one week in advance of any such amendments. Attached to the stipulation should be a complete revised schedule reflecting the changes. Even where an agreement cannot be reached, any future request for an alteration of a deposition scheduling order must be accompanied by a proposed revised schedule, or risk not being considered by the court.

The court notes that the fact that an individual does not appear in the schedule above does not necessarily mean that the party will not eventually be deposed. For example, the depositions of Tibor Varganyi and James Lomma will be added to the schedule at a later point, which will depend upon the timing of the trial in the related criminal action.

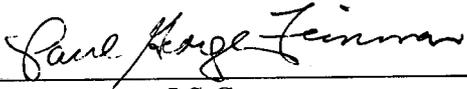
Going forward and in any future case management orders, Track 3 depositions will be taking scheduling priority over any remaining Track 2 depositions. Thus far, in an effort to balance the needs of all parties in this litigation, the court has reserved significant blocks of dates for Track 2 depositions only to later hear that, for whatever reason, the depositions did not go forward as planned. This has been to the detriment of those plaintiffs, such as the Group 1 Wrongful Death Plaintiffs, that could have used those dates for depositions of additional party deponents and non-parties. Therefore, any Track 2 deposition that do not go forward as provided in the schedule above will not be rescheduled until the completion of all Track 3

depositions.

A separate CMO regarding photographs will be forthcoming, and this issue has not been overlooked by the court.

This constitutes the order of the court.

Dated: January 18, 2012
New York, New York



J.S.C.

(91st St. Crane Litigation_CMO 20.wpd)