
**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
CAPE MAY COUNTY
DOCKET NO: CPM-C-55-22

Plaintiff(s),
vs.

Civil Action

**CITY OF NORTH WILDWOOD,
ET AL.,**

AMENDED CASE MANAGEMENT ORDER

Defendants.

THIS MATTER coming before the Court by way of Case Management Conference on February 24, 2023; counsel for the parties participating; and the Court having determined to enter this Order dealing with the management of this matter;

IT IS ON THIS 24th DAY OF FEBRUARY 2023, ORDERED:

1. Requests for written discovery are to be propounded by March 15, 2023, and answered within the time provided by the Rules of Court.
2. Depositions are to be completed within one hundred and eighty (180) days.
3. Plaintiff's expert report is to be provided by July 15, 2023. Defendant's responsive expert report is to be provided by August 15, 2023. Plaintiff and defendant's responsive reports are to be provided by August 31, 2023. Expert depositions shall be completed by October 13, 2023.
4. A case management conference is scheduled March 10, 2023, at 10:00 a.m. via zoom. The purpose of that conference is to discuss mediation.
5. No amendment(s) to the pleadings, adding additional parties or additional causes of action requiring further discovery shall be permitted after August 31, 2023. Any motion to amend must be returnable before this date. Amendment(s) to the pleadings will be permitted thereafter, though, if the same conform to the discovery adduced and

the amendment(s) to the pleadings shall not require additional discovery.

6. All discovery to be completed by October 13, 2023.
7. No party may file any motion without first discussing the same with the court and counsel, in a conference call, and receiving the court's permission. **Discovery or case management problems shall be addressed by conference of counsel and, to the extent unresolved, in correspondence to the court, followed by a conference call.** If a motion is prosecuted, the initial brief should be no more than 20 pages in length, double spaced; the opposition 10 pages; and the reply 5 pages. The court will consider, by telephone conference, applications for relaxation of the aforesaid page limitations.
8. Parties are permitted to file dispositive motions at any time.
9. The court shall not conduct a pre-trial conference or a status conference unless specifically requested by counsel, appropriate justification set forth. Counsel, if requesting a pre-trial order, may themselves prepare and submit a proposed consensual pre-trial order. The pre-trial order shall comply with R. 4:25-1(b) and R. 4:25-3
10. An additional conference is scheduled to **Tuesday, April 4, 2023 at 10:00 a.m., via zoom.**
11. Firm trial dates have now been scheduled **Monday through Friday, November 13th – 17th, 2023 and will continue the week of November 27th, 2023 on such other dates as may be required,** at the Cape May County Civil Court House, located at 9 North Main Street, Cape May Court House NJ 08201. Pre-trial briefs, which shall be filed and served ten (10) days in advance of the trial, shall contain the information set forth in R. 4:25-1(b)(1) through (5) and (9), and any other matters as deemed appropriate. Trial briefs shall set forth a summary of the parties' contentions and address any legal and evidentiary problems anticipated at trial. No *in limine* motions may be filed unless court permission is received.
12. Whenever motions are filed and/or trial briefs submitted, the same shall be appropriately tabbed and an index setting forth a list of exhibits shall be appended to the submission.

13. Trial Exhibits: Counsel shall meet prior to trial to prepare either a combined exhibit list or individual lists which not only shall include those exhibits counsel plan to move in evidence but also shall include all exhibits (including charts, enlargements, learned treatises, and the like) that counsel reasonably anticipate marking for identification. Exhibits shall be pre-marked P-1 for plaintiff, D-1 for defendant, J-1 for joint exhibits. Exhibit and witness lists shall be exchanged and forwarded to the court by no later than 9:00 a.m. on the Wednesday before the date trial is scheduled to commence. Trial time is not to be wasted by interruptions to mark exhibits.
14. At least five (5) days prior to the scheduled trial date, the parties shall confer and shall stipulate which exhibits may be introduced into evidence without objection, which exhibits shall be marked for identification only, and shall file particularized written objections to exhibits when legal and/or evidentiary issues are implicated. Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing at least three (3) business days prior to the scheduled trial date may be considered waived. Copies of each party's list of pre-marked exhibits shall be provided to the trial judge, along with copies of all exhibits which are to be introduced into evidence without objection. Copies of the reports of proposed expert witnesses are to be submitted should there be no objection to the same.
15. If any witness might be unavailable for trial, his or her testimony shall be videotaped for trial.
16. No trial shall be adjourned due to outstanding discovery. Discovery difficulties shall be promptly brought to the undersigned's attention at which time a determination shall be made on how best to proceed.
17. If the pleadings contain a jury demand any party seeking a jury trial shall file a motion for a jury trial within ten (10) days of today or the jury demand shall be deemed waived.


MICHAEL J. BLEE, A.J.S.C.