

State of New Jersey

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August 7, 2006

By Electronic Mail and First-Class Mail

Ralph J. Lancaster, Jr., Esq. Pierce Atwood
One Monument Square
Portland, Maine 04101

Re: New Jersey v. Delaware, No. 134, Original Progress Report

Dear Mr. Lancaster:

Pursuant to the Case Management Plan, New Jersey respectfully submits this Progress Report. Since the case management conference of July 11, 2006, New Jersey has done the following:

- 1. Responded to Delaware's Interrogatories and Requests for Production of Documents, on July 14, 2006;
- 2. Supplemented New Jersey's Responses to Requests for Production of Documents, on August 4, 2006; this supplementation responded to Delaware's letter of July 18, 2006 regarding the format and bates stamp system used for documents produced by New Jersey and provided to Delaware on CDs on July 14, 2006;
- 3. Reviewed Delaware's Responses to New Jersey Interrogatories and Requests for Documents, and corresponded with Delaware on July 25, 2006 and August 2, 2006 regarding identified deficiencies in Delaware's Responses;
- 4. Started drafting Requests for Admission;
- 5. Reviewed and started drafting responses to Delaware's Supplemental Interrogatories and Requests for Production of



Documents, dated July 14, 2006;

6. Continued its additional research in support of New Jersey's position in this case.

On July 25, 2006, New Jersey objected to some of Delaware's responses as deficient, and asked Delaware to correct the responses. On July 26, 2006, Delaware objected to correcting the bulk of the deficiencies identified by New Jersey. On August 2, 2006, New Jersey again requested that Delaware correct the deficiencies, and provided a fuller explanation for New Jersey's objections. On August 7, 2006, the parties conferred in an effort to resolve these issues.

New Jersey will continue to confer with Delaware in an effort to address discovery issues. However, from New Jersey's perspective it appears that the involvement of the Special Master may be needed to resolve this dispute.

Respectfully,

ZULIMA V. FARBER ATTORNEY GENERAL OF NEW JERSEY

By: <u>/s/</u>
Rachel Horowitz

Deputy Attorney General

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