

**In the
SUPREME COURT OF THE UNITED STATES**

STATE OF NEW JERSEY,

Plaintiff,

v.

STATE OF DELAWARE,

Defendant.

No. 134, Original

**Before the Special Master
The Hon. Ralph J. Lancaster**

CONSENT MOTION TO AMEND CASE MANAGEMENT ORDER NO. 2

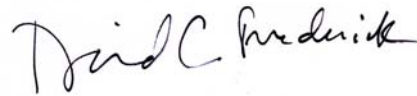
Delaware respectfully moves for an extension of time to file its opposition to the State of New Jersey's Motion to Strike Delaware's Issues of Fact Nos. 1, 2, 6, 8, and 9 and to Preclude Discovery on These Issues. As mentioned in the February 23, 2006 email from David Frederick to the Special Master and counsel for New Jersey, this extension is necessary and appropriate for adequate briefing of the issues presented and in view of Mr. Frederick's Supreme Court argument calendar, among other obligations.¹

Pursuant to Case Management Order § 16, counsel for Delaware has conferred with counsel for New Jersey and is authorized to state that New Jersey does not object to the motion, provided that New Jersey also receives additional time, following service of Delaware's opposition, to file New Jersey's reply brief. Delaware has no objection to that condition. Accordingly, Delaware, without objection from New Jersey, respectfully moves that the briefing schedule set out in Case Management Order No. 2 be amended as follows:

¹ See *Anza v. Ideal Steel Supply Corp.*, No. 04-433 (argued March 27, 2006); *Kircher v. Putnam Funds Trust*, No. 05-409 (reply brief due April 17, 2006 and argument scheduled for April 24, 2006).

State of New Jersey's Opening Brief:	Already Filed
State of Delaware's Answering Brief:	May 5, 2006
State of New Jersey's Reply Brief:	May 22, 2006

A proposed Case Management Order No. 3 implementing this motion is attached hereto.



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April 4, 2006

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Special Counsel for the State of Delaware

[PROPOSED] CASE MANAGEMENT ORDER NO. 3

IT IS HEREBY ORDERED THAT:

1. Without objection, Delaware's Consent Motion to Amend Scheduling Order No. 2 is GRANTED. On or before May 5, 2006, Delaware shall file its response to New Jersey's Motion to Strike Delaware's Issues of Fact Nos. 1, 2, 6, 8, And 9 And To Preclude Discovery On These Issues. New Jersey shall file any reply to the aforesaid brief filed by Delaware on or before May 22, 2006. Unless otherwise ordered by the Special Master for good cause shown, briefs shall not exceed twenty-five (25) pages in length.

2. Any requests for modification or supplementation of this Case Management Order shall be received by the Special Master on or before April 10, 2006.

Dated: April __, 2006

Ralph I. Lancaster, Jr.
Special Master

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CERTIFICATE OF SERVICE

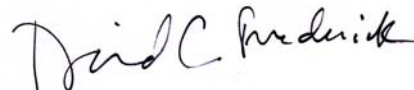
The undersigned hereby certifies that on this 4th day of April 2006, counsel for the State of Delaware caused true and correct copies of the Consent Motion to Amend Case Management Order No. 2 to be served upon counsel for the State of New Jersey in the manner indicated below:

**BY ELECTRONIC MAIL AND
THREE COPIES BY FIRST CLASS MAIL**

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