

those claims is necessary. PBGC anticipates that it will file a motion for summary judgment on claims 1-3 within the deadline for dispositive motions set forth in paragraph 9 below.

4. With respect to claim 4, plaintiffs reserve the right to identify and to conduct discovery directed toward alleged deficiencies in the administrative record. PBGC reserves the right to object to any discovery outside the administrative record, as PBGC does not agree that such discovery is permissible. All parties reserve the right to seek judicial intervention on issues related to the scope of any discovery and the administrative record should that become necessary. Any discovery plaintiffs seek on claim 4 shall be served in time to be completed by February 1, 2011.

5. All discovery motions related to claim 4 shall be filed by January 17, 2011.

6. If discovery is found to be permissible on claim 4, plaintiffs and PBGC shall be entitled to serve a maximum of 25 interrogatories upon each other, with responses thereto required to be served in accordance with the Federal Rules of Civil Procedure.

7. If discovery is found to be permissible on claim 4, plaintiffs and defendant PBGC shall each be allowed 10 depositions on claim 4 without leave of Court.

8. Nothing herein is intended to be, nor shall be construed to be, a waiver of the rights of any party to object to, or to seek a protective order regarding, any discovery request served by any other party.

9. All dispositive motions related to claims 1-4 shall be filed no later than March 1, 2011, with the understanding that any party may so move prior to that time.

Date: _____

Hon. Arthur J Tarnow