

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

MAINE PEOPLE'S ALLIANCE and
NATURAL RESOURCES DEFENSE
COUNCIL, INC.,

Plaintiffs

v.

Civil No. 00-69-B-C

HOLTRACHEM MANUFACTURING
COMPANY, LLC and MALLINCKRODT
INC.,

Defendants

Gene Carter, Senior District Judge

**SECOND ORDER AMENDING IMPLEMENTING ORDER FOR
PENOBSCOT RIVER STUDY PURSUANT TO MEMORANDUM
OF DECISION AND ORDER DATED JULY 29, 2002**

The Court's Implementing Order for the Penobscot River Study (Docket Item No. 159) and the Order Amending Implementing Order for the Penobscot River (Docket Item No. 172) are hereby **AMENDED** to add this below language regarding *ex parte* contacts and the below language at is inserted following the amended language set forth in section I of the Court's April 20, 2004, Order Amending Implementing Order for the Penobscot River (Docket Item No. 172).

Whenever the Study Panel, any Study Panel member, or the Consultant has *ex parte* contact with counsel, a party, or any past or present agent, consultant, or employee thereof, or with any agent, consultant, or

employee of the Maine Department of Environmental Protection, the U.S. Environmental Protection Agency, or the National Oceanic and Atmospheric Administration, the Study Panel, Study Panel member, or Consultant will contemporaneously notify the Court and counsel for the parties concerning the substance of the contact. This can be done by copying the Court and counsel on electronic or other correspondence sent by or to the Study Panel, Study Panel member, or Consultant. If the *ex parte* contact is in-person or by telephone, without a written record, then the Study Panel, Study Panel member, or Consultant will summarize the substance of the contact and promptly send that summary, by electronic or regular mail, to the Court and counsel for the parties.

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This procedure is intended to promote transparency whenever the Study Panel, a Study Panel member, or the Consultant has *ex parte* contact with a person who has been involved in the underlying litigation. The procedure is not intended to constrain or delay the Study Panel or Consultant in acquiring any pertinent information or data.

/s/ Gene Carter
Gene Carter
Senior District Judge

Dated this 1st day of July, 2004.