

STATE OF NEW JERSEY,

Plaintiff-Appellant,

v.

JANE H. CHUN, DARIA L.
DE CICCO, JAMES R. HAUSLER,
ANGEL MIRALDA, JEFFREY R.
WOOD, ANTHONY ANZANO,
RAJ DESAI, PETER LIEBERWIRTH,
JEFFREY LING, HUSSAIN NAWAZ,
FREDERICKOGBUTOR, PETER
PIASECKI, LARA SLATER,
CHRISTOPHER SALKOWITZ, ELINA
TIRADO, DAVID WALKER, DAVID
WHITMAN, and JAIRO J. YATACO,

SUPPLEMENTAL ORDER

Defendants-Respondents,

and

MEHMET DEMIRELLI and
JEFFREY LOCASTRO,

Defendants,

and

DRAEGER SAFETY DIAGNOSTICS,
INC.,

Intervenor-Respondent.

The Court having issued an Order on April 30, 2007, that
contemplated an analysis of the software denominated as

Firmware version 3.11¹, limited to determining whether this version reliably analyzes, records, and reports alcohol breath test results,

And the affected parties (Intervenor Draeger and defendants) having been unable to agree on an independent software house for source code testing, defendants having named their proposed expert and Draeger having named a different business entity as its proposed expert,

And the Special Master having recommended to the Court that he should not select an independent software house at this time,

And the Court having determined that it should accept that recommendation,

And good cause appearing;

IT IS ORDERED that each of the two experts designated by defendants and Draeger shall provide a report to the State, defendants, Draeger, and the Special Master within ninety (90) days of the receipt of the source code consistent with the examination and protective aspects contemplated by Paragraph 1 of Addendum A in the Special Master's report; and it is further

ORDERED that Draeger shall provide the source codes to the respective experts within seven (7) days of the date of this Order; and it is further

¹ The Court has been advised that there are no matters subject to the Court's order in which Firmware 3.8 was used.

ORDERED that defendants and Draeger each shall pay the expense of their selected expert; and it is further

ORDERED that on receipt of the experts' reports the Special Master shall proceed, in his discretion, either as ordered in the final paragraph of the April 30, 2007, remand Order of the Court or to hold a testimonial hearing of the experts; and it is further

ORDERED that if the Special Master elects to conduct a testimonial hearing, he shall complete it within forty-five (45) days of the receipt of the experts' report and that he shall file supplemental findings and conclusions with the Court no later than fourteen (14) days from the conclusion of the hearing.

WITNESS, the Honorable James R. Zazzali, Chief Justice, at Trenton, this 22nd day of May, 2007.

/s/ Stephen W. Townsend

CLERK OF THE SUPREME COURT

CHIEF JUSTICE ZAZZALI and ASSOCIATE JUSTICES LONG, LaVECCHIA, ALBIN, WALLACE, RIVERA-SOTO, and HOENS join in the Court's Order.