

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
ASBESTOS LITIGATION

Docket No: **L-4497-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER IV

EILEEN TOUGHILL (Estate of Kenneth Toughill), <i>Plaintiff(s),</i> vs. AO SMITH CORPORATION, et al <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on July 24, 2014:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Michael McMahon	Plaintiff(s)
Barry McTiernan	Patrick Little	Fulton Boiler Works
Carroll McNulty	Michael A. Moroney	Copes Vulcan
Hack Piro	Christine McCarthy	HB Smith
Hoagland Longo	Steven Satz	York International
Kelley Jasons	Angela Caliendo	FMC
Marks O'Neill	Sebastian Goldstein	Superior Boiler Works
McElroy Deutsch	Joseph Rasnek	AO Smith Corp.
McGivney Kluger	Thomas McNulty	Weil McLain
Pascarella DiVita	Stephanie DiVita	Rheem Mfg.; Trane US, Inc.
Reilly Janiczek	Michelle Cappuccio	Cleaver Brooks; Sealing Equipment Products Co., Inc.; ITT Corp.
Sedgwick	Afigo Fadahunsi	Foster Wheeler

IT IS on this 24th day of July, 2014 effective from the conference date;

ORDERED as follows:

Counsel receiving this Order through computerized electronic medium (E-Mail) shall be deemed by the court to have received a copy of the filed original court document. Any document served pursuant to this Order shall be deemed to be served by mail pursuant to R.1:5-2.

DISCOVERY

September 30, 2014 Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if all fact discovery is not completed.

November 14, 2014 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

November 21, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

January 8, 2015 The settlement conference previously scheduled on this date is **CANCELLED**.

SUMMARY JUDGMENT MOTION PRACTICE

November 21, 2014 Summary judgment motions limited to product identification issues shall be filed no later than this date.

December 19, 2014 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

November 28, 2014 Plaintiff shall serve medical expert reports by this date.

November 28, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 30, 2015 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

January 30, 2015 Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.

February 27, 2015 Defendants shall identify its liability experts and serve liability expert reports, if any, by this date or waive any opportunity to rely on liability expert testimony.

ECONOMIST EXPERT REPORTS

January 30, 2015 Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

February 27, 2015 Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

EXPERT DEPOSITIONS

March 27, 2015 Expert depositions shall be completed by this date. To the extent that plaintiff and defendant generic experts have been deposed before, the parties seeking that deposition in this case must file an application before the Special Master and demonstrate the necessity for that deposition. To the extent possible, documents requested in a deposition notice directed to an expert shall be produced three days in advance of the expert deposition. The expert shall not be required to produce documents that are readily accessible in the public domain.

PRE-TRIAL AND TRIAL

March 31, 2015 @ 10:00am

Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone. Any request to be excused from the settlement conference shall be made to the Special Master no later than 4:00pm of the day prior to the conference.

April 27, 2015

Trial Date. (*The February 2, 2015 trial is adjourned to this date.*)

Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ana C. Viscomi
ANA C. VISCOMI, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One