

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

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

Civil Action

CASE MANAGEMENT ORDER XI

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 January 12, 2017:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
Barry McTiernan Wedinger	Joseph Cucco	Fulton Boiler Works
Eckert Seamans	Robert McGuire	AO Smith Corp.
Hack Piro	Robert Alencewicz	HB Smith
Hoagland Longo	James Goodloe	York International; Gould Pumps
Marks O'Neill	Paul Smyth	Superior Boiler Works
McGivney Kluger	Thomas McNulty	Weil McLain
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Trane; Rheem
Reilly Janiczek	Brandy Harris	Cleaver Brooks; Sealing Equipment Products Co., Inc
Styliades Mezzanotte	Patricia Lyons	Viking Pump

IT IS on this 13<sup>th</sup> day of **January, 2017**, *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**

January 31, 2017      Counsel for Cleaver Brooks, Weil McLain, and Superior Boiler Works shall provide two dates for corporate representative depositions by this date.

March 17, 2017      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

March 31, 2017      Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

April 14, 2017      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 28, 2017      Summary judgment motions shall be filed no later than this date.

May 26, 2017 Last return date for summary judgment motions.

**LIABILITY EXPERT REPORTS**

June 2, 2017 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.

July 28, 2017 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**

June 2, 2017 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.

July 28, 2017 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**

August 25, 2017 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 24, 2017 The settlement conference previously scheduled on this date is **cancelled**.

August 22, 2017 @ 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.

September 25, 2017 Trial Date. (*The April 24, 2017 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