

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

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

Civil Action

CASE MANAGEMENT ORDER III

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 April 17, 2014:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Michael McMahon	Plaintiff(s)
Baginski Mezzanotte	Patricia R. Lyons	Viking
Carroll McNulty	Kate Hyde	Copes Vulcan
Hoagland Longo	Jason Gosnell	York International
Kelley Jasons	Angela Caliendo	FMC
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Helen Antoniou McGowan	AO Smith Corp.
McGivney Kluger	Thomas McNulty	Weil McLain
Pascarella DiVita	Michael A. Posavetz	Rheem Mfg.; Trane US, Inc.
Reilly Janiczek	Shannon Kelly	Cleaver Brooks; Sealing Equipment Products Co., Inc.; ITT Corp.
Speziali Greenwald (on behalf of Sedgwick)	Joanne Hawkins	Foster Wheeler

IT IS on this 21st day of April, 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

July 31, 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.

September 5, 2014 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- August 7, 2014 The settlement conference previously scheduled on this date is **CANCELLED**.
- September 12, 2014 The settlement conference previously scheduled on this date is **CANCELLED**.
- September 12, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- October 10, 2014 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- November 7, 2014 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

- September 19, 2014 Plaintiff shall serve medical expert reports by this date.
- September 19, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- December 19, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

- November 14, 2014 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.
- December 19, 2014 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

- November 14, 2014 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.
- December 19, 2014 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

- January 16, 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

January 8, 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.

February 2, 2015

Trial Date. (*The September 29, 2014 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