

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

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

**Civil Action**

**CASE MANAGEMENT ORDER VIII**

EILEEN TOUGHILL (Estate of Kenneth Toughill),  vs.  AO SMITH CORPORATION, et al	<i>Plaintiff(s),</i>     <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 October 14, 2015:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William Kuzmin	Plaintiff(s)
Baginski Mezzanotte	Patricia Lyons	Viking Pump
Barry McTiernan	Sean Connelly	Fulton Boiler Works; RW Beckett
Eckert Seamans	David Katzenstein	AO Smith Corp.
Hack Piro	Robert Alencewicz	HB Smith
Hoagland Longo	Jeffrey P. Smith	York International; Gould Pumps
Kelley Jasons	Angela Caliendo	FMC / Peerless Pump
Marks O'Neill	Sebastian Goldstein	Superior Boiler Works
McGivney Kluger	Alexander C. Schaffel	Weil McLain
Pascarella DiVita	Michael A. Posavetz	Rheem Mfg.; Trane US, Inc.; Ingersoll Rand
Reilly Janiczek	Michelle Cappuccio	Cleaver Brooks; Sealing Equipment Products Co., Inc
Sedgwick c/o Speziali	Joanne Hawkins	Foster Wheeler

IT IS on this 15<sup>th</sup> day of October, 2015, *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**

December 31, 2015 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.

February 29, 2016 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

January 15, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

March 4, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 18, 2016 Summary judgment motions shall be filed no later than this date.

April 15, 2016 Last return date for summary judgment motions.

## MEDICAL DEFENSE

December 31, 2015 Plaintiff shall serve medical expert reports by this date.

December 31, 2015 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 17, 2016 Defendants shall identify its medical experts and serve medical reports, if any, by this date. **In addition, defendants shall notify plaintiff's counsel (as well as all counsel of record) of a joinder in an expert medical defense by this date.**

## LIABILITY EXPERT REPORTS

May 16, 2016 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.

June 17, 2016 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

May 16, 2016 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.

June 17, 2016 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

July 1, 2016 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

February 3, 2016 The settlement conference previously scheduled on this date is **cancelled**.

June 30, 2016 @ 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.

July 25, 2016

Trial Date. (*The February 22, 2016 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