

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

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

Civil Action

CASE MANAGEMENT ORDER VI

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 March 31, 2015:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Michael McMahon	Plaintiff(s)
Baginski Mezzanotte	Jennifer Connelly	Viking Pump
Barry McTiernan	Sean M. Connelly	Fulton Boiler Works; RW Beckett
Hack Piro	Reiah Etwaroo	HB Smith
Hawkins Parnell	Mark Debrowski	Oakfabco
Hoagland Longo	Jason R. Gosnell	York International; Gould Pumps
Marks O'Neill	Sebastian Goldstein	Superior Boiler Works
McElroy Deutsch	Joseph D. Rasnek	AO Smith Corp.
McGivney Kluger	Thomas McNulty	Weil McLain
Pascarella DiVita	Brad Bishop	Rheem Mfg.; Trane US, Inc.; Ingersoll Rand
Reilly Janiczek	Shannon Kelly	Cleaver Brooks; Sealing Equipment Products Co., Inc.; ITT Corp.
Sedgwick	David Blow	Foster Wheeler

IT IS on this 1st day of April, 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

May 29, 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.

June 30, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

July 10, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

August 7, 2015 Summary judgment motions shall be filed no later than this date.

September 4, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

May 1, 2015 Plaintiff shall serve executed medical and employment authorizations by this date.

July 2, 2015 Plaintiff shall serve medical expert reports by this date.

July 2, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 9, 2015 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

July 31, 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.

October 9, 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

September 4, 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.

October 9, 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

October 30, 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

July 9, 2015

The settlement conference previously scheduled on this date is **cancelled**.

November 12, 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.

November 30, 2015

Trial Date. (*The July 27, 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