

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

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

**Civil Action**

**CASE MANAGEMENT ORDER X**

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| EILEEN TOUGHILL<br>(Estate of Kenneth Toughill),<br><br><i>Plaintiff(s),</i><br><br>vs.<br>AO SMITH CORPORATION, et al<br><br><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 14, 2016:

| FIRM                    | ATTORNEY              | CLIENT  |
|-------------------------|-----------------------|---|
| Cohen Placitella & Roth | William L. Kuzmin     | Plaintiff(s)  |
| Carroll McNulty         | Michael Moroney       | Copes Vulcan  |
| Eckert Seamans          | Stephanie Coleman     | AO Smith Corp.                                      |
| Hoagland Longo          | Jillian Madison       | York International; Gould Pumps                     |
| Kelley Jasons           | Angela Caliendo       | FMC Corp.   |
| Marks O'Neill           | Paul Smyth            | Superior Boiler Works                               |
| McGivney Kluger         | Thomas McNulty        | Weil McLain   |
| Pascarella DiVita       | Inge Cully            | Ingersoll Rand; Trane; Rheem                        |
| Reilly Janiczek         | Karen Stanzione Conte | Cleaver Brooks; Sealing Equipment Products Co., Inc |
| Styliades Mezzanotte    | Benedict Valliere     | Viking Pump   |

IT IS on this 18<sup>th</sup> day of July, 2016, 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**

November 30, 2016      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

December 16, 2016      Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

December 16, 2016      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 6, 2017          Summary judgment motions shall be filed no later than this date.

February 3, 2017 Last return date for summary judgment motions.

### **LIABILITY EXPERT REPORTS**

December 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.

March 15, 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**

December 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.

March 15, 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**

April 7, 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**

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

March 24, 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.

April 24, 2017 Trial Date. (*The November 28, 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