

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

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

**Civil Action**

**CASE MANAGEMENT ORDER IX**

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 March 3, 2016:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Cohen Placitella & Roth	William L. Kuzmin	Plaintiff(s)
Barry McTiernan	Sean Connelly	Fulton Boiler Works
Hack Piro	Robert Alencewicz	HB Smith
Hoagland Longo	James Goodbe	York International; Gould Pumps
Marks O'Neill	Sebastian Goldstein	Superior Boiler Works
McGivney Kluger	Thomas McNulty	Weil McLain
Pascarella DiVita	Joshua Greeley	Rheem Mfg.; Trane US, Inc.; Ingersoll Rand
Reilly Janiczek	Michelle Cappuccio	Cleaver Brooks; Sealing Equipment Products Co., Inc
Styliades Mezzanotte	Erik Ortega	Viking Pump

IT IS on this 3<sup>rd</sup> day of March, 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**

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

**EARLY SETTLEMENT**

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

**SUMMARY JUDGMENT MOTION PRACTICE**

July 22, 2016                      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 5, 2016 Summary judgment motions shall be filed no later than this date.

September 2, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

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**

July 29, 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.

October 3, 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**

July 29, 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.

October 3, 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**

October 28, 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**

June 30, 2016 The settlement conference previously scheduled on this date is **cancelled**.

November 3, 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.

November 28, 2016

Trial Date. (*The July 25, 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: counsel:

Eckert Seamans *for AO Smith*

cc: Clerk, Mass Tort