

Amy Eddy, District Judge
Department No. 1
Flathead County Justice Center
920 South Main Street, Suite 310
Kalispell, Montana 59901
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IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION, <i>Consolidated Cases.</i>	Cause No. AC 17-0694 RULE 16 SCHEDULING ORDER <i>Robertson v. International Paper, et al.,</i> Cascade County Cause No. DV-17-502 Judge Gregory Pinski
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Upon consultation with the parties' counsel during a scheduling conference on March 20, 2018, and pursuant to Rule 16(b) M.R.Civ.P., the Court sets the following amended deadlines in the above entitled cause:

- (1) On or before **April 27, 2018**: File motions to join parties or amend pleadings.
- (2) On or before **August 31, 2018**: Names and addresses of the parties' expert witnesses, together with the information called for in Rule 26, M.R.Civ.P., must be furnished to all opposing parties and filed with the Court. Establishment of this deadline does not minimize the obligation to fully comply with all discovery requests, including the obligations outlined in Rule 26(d)(2), Mont.R.Civ.P. Rebuttal expert witnesses must be disclosed by **September 14, 2018**. The scope of testimony for any rebuttal expert will be strictly limited to true rebuttal testimony.
- (3) On or before **October 5, 2018**: DISCOVERY COMPLETED. The term "completed" means that discovery requests shall have been submitted so that the required responses are due on or before this date, and that depositions shall have been completed. The parties should bear in mind that as the case develops they may choose to stipulate amongst themselves to modify or extend discovery, consistent with Rule 29, Mont.R.Civ.P. However, absent good cause, this Court will not extend this deadline, nor entertain discovery motions based on post-deadline occurrences. ***Should a discovery dispute arise, the parties must contact the Court to arrange an informal discovery conference so that the Court can help facilitate resolution of the dispute in a timely manner. Should a dispute still exist after such conference, the Court will then set a briefing schedule for necessary motions.***
- (4) On or before **October 12, 2018**: Motions for summary judgment with supporting memoranda and affidavits shall be filed. The parties are advised of their obligation to comply with the time requirements contained in Rule 56(c), Mont.R.Civ.P., applicable to filing response and reply briefs, and requesting oral argument. The Court will not issue orders setting the briefing schedule and will deem the matter ripe for review upon

expiration of the time provided by Rule 56(c), Mont.R.Civ.P., or at the close of oral argument, if requested.

- (5) On or before **November 9, 2018**: All other motions shall be filed, including motions *in limine*. The parties are advised of their obligation to comply with the time requirements contained in Rule 2, Unif.Dist.C.R., applicable to filing response and reply briefs, and requesting oral argument. The Court will not issue orders setting the briefing schedule and will deem the matter ripe for review upon expiration of the time provided in the Rules, or at the close of any oral argument.
- (6) On or before **September 28, 2018**: Hold Settlement Conference. The Court will have available a list of Settlement Masters or you may make your own arrangements. The Settlement Master's Report shall be filed by the date of the Final Pretrial Hearing.
- (7) A Final Pretrial Hearing will be held on **December 13, 2018, at 2:00 p.m.** A Pretrial Order shall be prepared per Rule 5, Unif.Dist.C.R., and must be submitted prior to the Final Pretrial Hearing. The parties must come to the Final Pretrial Hearing prepared to discuss any outstanding matters not addressed in the Pretrial Order.
- (8) The Civil Jury Trial is hereby set for five days beginning **January 7, 2017, at 9:00 a.m.** This is a date certain with first priority setting. The Court will have an attorney's conference at 8:30 a.m. the first day of trial.

Failure of counsel or parties to adhere to this scheduling order may result in the loss of trial date, sanctions, or notification to clients as to the reasons for further delay. Regardless, the Court will not consider any modification to this Rule 16 Scheduling Order, absent good cause. Rule 16(b)(4), Mont.R.Civ.P. The parties are on notice that extension of any deadline may jeopardize the Court's ability to timely consider and rule on any disputes in advance of the trial date.

DATED this 21st day of March, 2018.

/s/ Amy Eddy

Amy Eddy, Asbestos Claims Court Judge

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