

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>	AC 17-0694 RULE 16 SCHEDULING ORDER Applicable to <i>Azure, et al. v. International Paper Company, et al.</i> , Flathead County Cause No. DV-18-018(A) Judge Amy Eddy
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Following a scheduling conference with counsel for the parties on February 19, 2019, 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 March 29, 2019: File motions to join parties or amend pleadings.
- (2) On or before June 28, 2019: 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.
- (3) On or before July 19, 2019: 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 are encouraged and expected to contact the Court to arrange an in-chambers and informal discovery conference so that the Court can help facilitate resolution of the dispute in a timely manner.***
- (4) On or before August 9, 2019: 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 August 23, 2019: 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) Considering the nature of the claims and the sophistication of counsel, the Court waives the Eleventh Judicial District Court Local Rule 5 requirement of a mandatory settlement conference. The parties are free to choose if, when, and under what conditions they may elect to attend a settlement conference.
- (7) A Final Pretrial Hearing will be held on November 6, 2019, at 9:00 a.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 Jury Trial is hereby set for the civil jury term beginning December 9, 2019, at 9:00 a.m. A date certain for trial will be set following the Final Pretrial Hearing. 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.

At any point the parties may file a joint request certifying: (1) there are no outstanding matters for the Court to resolve, (2) the parties are prepared to go to trial, and (3) a pretrial order has been agreed to by all the parties. Upon such a request the Court will schedule the matter for trial at its earliest available date.

DATED this 19th day of February, 2019.

/s/ Amy Eddy

Amy Eddy, District Judge

CERTIFICATE OF SERVICE

I, Amy Poehling Eddy, hereby certify that I have served true and accurate copies of the foregoing Other - Other to the following on 02-19-2019:

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