

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYMAN, et al.,
Plaintiffs,

v.

UNION CARBIDE CORPORATION, et al.,
Defendants.

Case No. [07-cv-04240-WHO](#)

**CASE MANAGEMENT AND
DISCOVERY ORDER**

Re: Dkt. No. 141

Having settled the underlying asbestos action, Union Carbide Corporation and Montello Corporation appeared this afternoon at a case management conference to discuss a schedule for the cross-claims filed by Montello against Union Carbide. In this regard, Montello has filed a motion for summary judgment and Union Carbide has moved to extend time for briefing and hearing so that it can conduct discovery relevant to Montello's motion. After the discussion at the conference, the Court ORDERS the following:

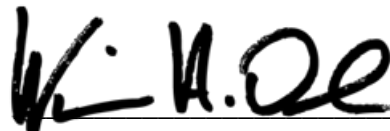
1. It is apparent that the Confidential Settlement Agreement and Release dated November 19, 2009 between Montello, Allen Johnson, Leo A. Wooldridge and The Travelers Indemnity Company, et. al., is material to Union Carbide's opposition to Montello's motion. Montello shall produce it within 15 days unless The Travelers Indemnity Company files an objection with the Court prior to that time. Counsel for Montello is directed to notify The Travelers Indemnity Company of this Order immediately, to provide it with a copy of this Order no later than August 6, 2014, and to file a certification with the Court describing the manner in which notification occurred no later than August 7, 2014. Because of the nature of the on-going nationwide litigation in which the parties are involved, disclosure of the document in its entirety would be harmful to the parties and would not be relevant to the other litigation. The material

terms of the document may be sealed, subject to the Court's review. Further, to the extent any questions regarding the document are asked and answered at the depositions described later in this Order, those portions of the transcripts may also be sealed.

2. Montello has agreed to make documents available in Tulsa, Oklahoma that Union Carbide has already requested within 15 days of this Order. If appropriate, Montello may designate these documents as confidential as well, subject to the Court's review when the motion(s) for summary judgment are litigated. It is so ordered.
3. Montello has agreed to produce for deposition its president, Allen Johnson, and its lawyer, Andrew S. Hartman, within 30 days. It is so ordered.
4. Union Carbide shall file its opposition (and any cross-motion) within 45 days of the completion of the final deposition. Montello shall have ten days for its reply. As long as this schedule is kept, and the Court has at least two weeks between the reply and the hearing, the hearing shall be set on November 19, 2014. In the event that the volume of discovery produced by Montello makes it impractical for the depositions to proceed as contemplated, the parties shall file a stipulated revised hearing schedule for the Court's review.
5. In the event the case does not resolve on summary judgment, trial is set for April 13, 2015. The pretrial conference is set for 2 p.m. on March 23, 2015. The last day for fact discovery, and the day to disclose experts, is December 1, 2014. Rebuttal experts shall be disclosed by December 22, 2014, and the last day for expert discovery is January 30, 2014.

IT IS SO ORDERED.

Dated: August 5, 2014



WILLIAM H. ORRICK
United States District Judge