

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**JAMES BEARDEN and SHEILA BEARDEN,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

vs.

HONEYWELL INTERNATIONAL INC.,

Defendant.

Case No.: 3:09-cv-01035

**Judge Kevin H. Sharp/
Magistrate Judge John Bryant**

Jury Trial Demanded

AMENDED ORDER RESETTING DEADLINES

Pursuant to the Court's Order [Docket No. 275, dated June 5, 2012] regarding the June 1, 2012 summary judgment hearing, the parties have agreed to the following new deadlines in this matter.

1. DISCOVERY SCHEDULE

Discovery in this matter should be staged such that discovery as to Plaintiffs' individual claims proceeds, with discovery regarding any class claims only proceeding if Plaintiffs' individual claims survive any dispositive motions based upon the individual discovery. The following schedule is in effect for discovery and deadlines related to Plaintiffs' individual claims:

(a) The parties shall complete all written discovery and depose all fact witnesses on or before February 15, 2013.

(b) Plaintiffs shall complete all testing of the subject air cleaners on or before February 15, 2013. Defendant shall have until April 15, 2013 to complete any additional written discovery and fact depositions relating to the testing of the subject air cleaners.

(c) Plaintiffs shall disclose any experts and provide expert reports by May 30, 2013. Defendant shall disclose any experts and provide expert reports by July 15, 2013. Rebuttal experts shall not be permitted except with Court approval. Expert depositions shall be completed by September 15, 2013, with Plaintiffs' experts being deposed first.

(d) Motions to Amend: Plaintiffs will not be granted leave to further amend their Complaint. The Defendant shall file all Motions to Amend its Answer on or before February 15, 2013.

(e) The parties shall coordinate discovery between the *Rehberger* and *Bearden* Actions and all discovery provided in one action is presumed to apply to the other action, subject to the Court's ruling to the contrary.

2. JOINT MEDIATION REPORT

The parties agree that this matter should be mediated at the same time as *Rehberger*. Under the extended deadline, the parties must file a joint report indicating whether they believe mediation of this matter would be helpful on or before October 15, 2013.

3. DISPOSITIVE MOTIONS

The parties shall file all dispositive motions regarding Plaintiffs' individual claims on or before November 15, 2013. Responses to dispositive motions shall be filed within thirty (30) days after the filing of the motion. Optional replies may be filed within ten (10) days of the response and shall not exceed fifteen (15) pages. Initial briefs and response briefs shall not exceed thirty-five (35) pages without Court approval. No motion for partial summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.

4. ELECTRONIC DISCOVERY

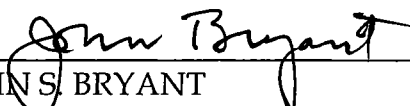
The parties have conferred and the default standard contained in Administrative Order 174 will apply.

5. TRIAL

If Plaintiffs' individual claims survive following completion of discovery and any dispositive motions, a new schedule for discovery related to class claims and for class certification shall be set. A trial date will not be set at this time.

IT IS SO ORDERED.

This 26th day of September, 2012.



JOHN S. BRYANT
United States Magistrate Judge

APPROVED FOR ENTRY:

Dated: September 24, 2012

Respectfully submitted,

BASS, BERRY & SIMS, PLC

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