

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

**Docket No:** L-1372-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

ANTOINETTE McCONNELL (Estate of Ramon E. McConnell),  <i>Plaintiff(s),</i>
vs.
AO SMITH WATER PRODUCTS CO., et al  <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on July 31, 2019:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed
Eckert Seamans	Michael A. Posavetz	AO Smith Water Products
Harris Beach	Marcus Tubin	Saint Gobain
Hawkins Parnell	Roy Viola	Milwaukee Valve
Marshall Dennehey	Paul Johnson	Honeywell Inc.
McElroy Deutsch	Brian Sorensen	Flowserve US Inc.
Pascarella DiVita	John S. McGowan	Crane Co.
Reilly McDevitt	Hena Kumar	Cleaver Brooks
Swartz Campbell	Laura A. Bartow	Herman Goldner
Tanenbaum Keale	Elizabeth Gee	CBS; Foster Wheeler
Wilbraham Lawler	Josette Spivak	Air & Liquid Systems Corp./Buffalo Pumps

IT IS on this 1<sup>st</sup> day of **August 2019**, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

*Any forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

**DISCOVERY**

August 30, 2019

Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if all fact discovery is not completed.

### EARLY SETTLEMENT

September 13, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### MEDICAL EXPERT REPORT

December 13, 2019 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

December 13, 2019 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.

### SUMMARY JUDGMENT MOTION PRACTICE

September 13, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 27, 2019 Summary judgment motions shall be filed no later than this date.

October 25, 2019 Last return date for summary judgment motions.

### EXPERT DEPOSITIONS

January 13, 2020 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

September 20, 2019 The settlement conference previously scheduled on this date is **cancelled**.

January 17, 2020 @ 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.

February 10, 2020 Trial Date. (*The October 28, 2019 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: Clerk, Mass Tort