

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

Docket No: **L-3249-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

RUTHANN BIAMONTE (Estate of Nicholas Biamonte), <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 with Special Master, Agatha N. Dzikiewicz, on July 10, 2013 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Adam Masef	Plaintiff(s)
Caruso Smith	Stacey Lee Trien	CertainTeed
Epstein Cohen	Sandra Cohen	Crane
Gibbons	Mark R. Galdieri	Honeywell International Inc.
Hoagland Longo	Matthew D. Cassity	Modern Plumbing & Heating Supply; Burnham; Goulds Pumps; Borg Warner;
LeClair Ryan	Michael Goldklang	Ford
McElroy Deutsch	Helen Antoniou McGowan	AO Smith Water Products
McGivney Kluger	Thomas McNulty	Weil McLain
O'Toole Fernandez	Leslie Lombardy	Peerless Industries
Reilly Janiczek	Shannon Kelly	Cleaver Brooks; ITT Corp.

IT IS on this 18th day of July, 2013 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.

Defense counsel shall notify plaintiffs' counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

DISCOVERY

- August 16, 2013 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- August 16, 2013 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- August 30, 2013 Defendants shall serve answers to standard interrogatories by this date.
- September 13, 2013 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 11, 2013 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 13, 2013 Defendants shall propound supplemental interrogatories and document requests by this date.
- October 11, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 29, 2013 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.
- December 31, 2013 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- January 10, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- January 31, 2014 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- February 28, 2014 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

- August 16, 2013 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- August 16, 2013 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

August 30, 2013 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

January 31, 2014 Plaintiff shall serve additional medical expert reports by this date.

January 31, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 31, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

March 31, 2014 Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.

April 30, 2014 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.

ECONOMIST EXPERT REPORTS

March 31, 2014 Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

April 30, 2014 Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

EXPERT DEPOSITIONS

May 16, 2014 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

May 6, 2014 @ 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.

June 2, 2014

Trial Date.

Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Vincent Le Blon
VINCENT Le BLON, J.S.C.

cc: counsel:

Hawkins Parnell

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One