

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

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

Civil Action

CASE MANAGEMENT ORDER IV

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| RUTHANN BIAMONTE (Estate of Nicholas Biamonte), <i>Plaintiff(s),</i> vs. AO SMITH WATER PRODUCTS CO., et al <i>Defendant(s).</i> |
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 30, 2014:

| FIRM | ATTORNEY | CLIENT |
|--------------------|--------------------|--|
| Weitz & Luxenberg | Alex Eiden | Plaintiff(s) |
| Caruso Smith | Nicolas Albano | CertainTeed; Union Carbide |
| Gibbons PC | Ahmed Kassim | Honeywell International Inc. |
| Hawkins Parnell | Edward P. Abbot | Oakfabco |
| Hoagland Longo | Jason R. Gosnell | Borg Warner; Modern Plumbing; Goults; Kohler |
| Kent McBride | David Rutkowski | ECR (Utica) |
| Marshall Dennehey | Lisa Only | Pep Boys |
| McElroy Deutsch | Michelle Hydrusko | AO Smith Water Products |
| McGivney Kluger | Thomas McNulty | Weil McLain |
| McGowan Law Office | John S. McGowan | Sears |
| O'Toole Fernandez | Jaqueline Muttick | Peerless Industries |
| Reilly Janiczek | Michelle Cappuccio | Cleaver Brooks; ITT Corp. |

IT IS on this 1st day of **October, 2014** *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.

EARLY SETTLEMENT

October 31, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

January 9, 2015 The settlement conference previously scheduled on this date is **CANCELLED**.

SUMMARY JUDGMENT MOTION PRACTICE

November 7, 2014 Summary judgment motions shall be filed no later than this date.

December 5, 2014 Last return date for summary judgment motions.

MEDICAL DEFENSE

- October 31, 2014 Plaintiff shall serve additional medical expert reports by this date.
- October 31, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- January 16, 2015 Defendants shall identify its medical experts and serve medical expert 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

- October 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.
- January 16, 2015 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.

EXPERT DEPOSITIONS

- January 30, 2015 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

- February 13, 2015 @ 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.
- March 2, 2015 Trial Date. *(The February 17, 2015 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
Brody Deposition Services
Priority One