

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

ROBERT & LOIS REID,

*Plaintiff(s),*

vs.

AO SMITH CORPORATION, et al

*Defendant(s).*

**Docket No: L-11-11 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on April 4, 2011 and the following firms appearing:

Motley Rice	Vincent Greene, Esq.	Plaintiff(s)
Braaten & Pascarella	Matthew Aboyme, Esq.	Ingersoll Rand; Vimasco
Bucca & Campisano	Benjamin Bucca Jr., Esq.	IMO
Caruso Smith	Marcia DePolo, Esq.	CertainTeed
Gibbons	Mark R. Galdieri, Esq.	Honeywell International Inc.
Hoagland Longo	Mark Wasef, Esq.	Borg Warner
Kelley Jasons	Jason Scheets, Esq.	Square D
Lynch Daskal	Dennis Schmieder, Esq.	Georgia Pacific
Maron Marvel	Meryl Topchik, Esq.	Industrial Holdings Corp.
McCarter & English	John Garde, Esq.	Owens Illinois
McElroy Deutsch	Michelle Hydrusko, Esq.	AO Smith; Flowserve; Foxboro
Reilly Janiczek	Chrystale Hewitt, Esq.	Cleaver Brooks; ITT; George V. Hamilton
Speziali Greenwald	Michael Quinn, Esq.	General Electric; Foster Wheeler
Wilbraham Lawler	Charles Holmgren, Esq.	Maremont

IT IS on this 14<sup>th</sup> day of April, 2011 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**

- April 15, 2011 Defendants shall serve answers to standard interrogatories by this date.
- April 22, 2011 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 20, 2011 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 15, 2011 Defendants shall propound supplemental interrogatories and document requests by this date.
- May 13, 2011 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- May 31, 2011 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.
- June 17, 2011 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.
- June 30, 2011 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- July 1, 2011 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- July 8, 2011 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- August 5, 2011 Last return date for product identification summary judgment motions.

## **POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE**

- September 13, 2011 @ 11:00am 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.  
*Case Management Conference to follow, if necessary.*

**MEDICAL DEFENSE**

April 15, 2011            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.

July 1, 2011             Plaintiff shall serve additional medical expert reports by this date.

July 1, 2011             Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 5, 2011         Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

July 29, 2011            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.

August 31, 2011        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**

September 30, 2011    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**

To be scheduled                      Final settlement conference.

October 31, 2011                      Trial Date.

<p><b>Plaintiff’s counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.</b></p>
--

*/s/ Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc:        Clerk, Mass Tort  
          Brody Deposition Services  
          Priority One