

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

**Docket No:** L-5881-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

<p>ESTATE of PHILIP BOTTACAVOLA,  <i>Plaintiff(s),</i></p> <p>vs.</p> <p>AO SMITH CORPORATION, et al  <i>Defendant(s).</i></p>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on August 29, 2018:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins	Plaintiff(s)
Barry McTiernan Moore	Graham Gering	NJ Plumbing Group d/b/a Blackman Plumbing Supply
Breuninger & Fellman	Kathleen Ramalho	Genuine Parts Co.
Clyde & Co.	Kevin Turbert	Burnham
Eckert Seamans	Joel M. Doner	AO Smith Corp.
Fox Rothschild	Tom Mastroianni	Merck Sharp & Dohme Corp.
Hoagland Longo	Jillian Madison	Kohler; Johnston Boiler; Johnson Controls, Inc.
Kelley Jasons	Angela Caliendo	FMC; Square D
Landman Corsi	Jessica Seiden	ECR International
Leader & Berkon	Christine Bucca	Spirax Sarco
Margolis Edelstein	Nicholas Sulpizio	Watson McDaniel; Shore Industrial Supply
Marks O'Neill	Nicole M. Mulhern	Columbia Boiler; Superior Boiler Works
Maron Marvel	Lina Flanigan Timothy Coughlan	CompuDyne; Keeler/Dorr-Oliver Boiler Co.
Marshall Conway	Adam Golub	Slant/Fin Corp.
Mayfield Turner	Sara Saltzman	Carrier Corp.
McElroy Deutsch	Kate Chetta	Eaton
McGivney Kluger	Caitlin Bodtmann	Bergen Industrial; Federated Dept.; Zurn Ind.; Pecora; DAP
Nowell PC	Linda Dunne	United Supply
Pascarella DiVita	Madelyn Iula	Ingersoll Rand; Crane Co.; Trane US; Rheem Mfg.
Reilly McDevitt	Madelyn Iulo	Cleaver Brooks; Ral Supply; Office Max
Schenck Price	James Kassis	Montclair Health / Mountainside Hospital
Tanenbaum Keale	Afigo Fadahunsi	General Electric; CBS; Borg Warner; Foster Wheeler
White & Williams	Michael J. Toczyski	Bradford White; Laars Heating Systems

IT IS on this 30<sup>th</sup> day of August, 2018, 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*.

### **DISCOVERY**

- September 14, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- September 14, 2018 Defendants shall serve answers to standard interrogatories by this date.
- November 9, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- December 14, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- November 9, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- December 14, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- January 31, 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.
- February 28, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- May 10, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- March 15, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 29, 2019 Summary judgment motions shall be filed no later than this date.
- April 26, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- September 14, 2018 Plaintiff shall serve updated medical authorizations by this date.
- March 4, 2019 Plaintiff shall serve medical expert reports by this date.
- March 4, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- June 7, 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**

March 4, 2019                    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.

June 7, 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.

**EXPERT DEPOSITIONS**

June 29, 2019                    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**

June 25, 2019 @ 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.

July 29, 2019                    Trial 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