

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

Docket No: L-5881-17 (AS)

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of PHILIP BOTTACAVOLA, <i>Plaintiff(s),</i> vs. AO SMITH CORPORATION, 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 April 4, 2019:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins	Plaintiff(s)
Barry McTiernan Moore	Cara E. Manz	NJ Plumbing Group d/b/a Blackman Plumbing Supply
Breuninger & Fellman	Kathleen Ramalho	Genuine Parts Co.
Caruso Smith	Marcia DePolo	Kennedy Culvert; Union Carbide
Clyde & Co.	Kevin Turbert	Burnham
Cullen & Dykman	John Burbridge	FW Webb
Hoagland Longo	Ibrahim Kosoko	Kohler; Johnston Boiler; Johnson Controls, Inc.
Kelley Jasons	Angela Caliendo	FMC; Square D
Landman Corsi	Jessica Lomia	ECR International
Leader & Berkon	Christine Bucca	Spirax Sarco
Lucosky Brookman	Norman J. Golub	Slant/Fin Corp.
Margolis Edelstein	Nicholas Sulpizio	Watson McDaniel; Shore Industrial Supply
Marks O'Neill	Paul Smyth	Columbia Boiler; Superior Boiler Works
Maron Marvel	Lina C. Flanigan	CompuDyne; Keeler/Dorr-Oliver Boiler Co.
Mayfield Turner	Sara Saltzman	Carrier Corp.
McCarter & English	David Cooner	Hercules Inc.
McElroy Deutsch	Gabriel Ferstendig	Eaton Corp.
McGivney Kluger	Joel Clark Jeffrey Kluger	Bergen Industrial; Federated Dept.; Zurn Ind.; Pecora; DAP; Armstrong International; Gundfos
McGivney Kluger	Thomas McNulty	Red Devil Inc.; Weil McLain; Nutley
Nowell PC	Linda Dunne	United Supply
Pascarella DiVita	Keith O'Connor	Ingersoll Rand; Crane Co.; Trane US; Rheem Mfg.
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks; Ral Supply; Office Max
Schenck Price	James A. Kassiss	Montclair Health / Mountainside Hospital
Tanenbaum Keale	Christopher Keale	Borg Warner; Foster Wheeler
White & Williams	Michael J. Toczyski	Bradford White; Laars Heating Systems
Wilbraham Lawler	John A. Fitzpatrick	Eastern Penn

IT IS on this 8th day of **April, 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

July 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.

July 31, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

October 18, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

August 30, 2019 Plaintiff shall serve medical expert reports by this date.

August 30, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 29, 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

August 30, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

November 29, 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

August 30, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 13, 2019 Summary judgment motions shall be filed no later than this date.

October 11, 2019 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

- August 30, 2019 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.
- November 29, 2019 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

- December 31, 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 The settlement conference previously scheduled on this date is **cancelled**.
- December 4, 2019 @ 1:30pm 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.
- January 27, 2020 Trial Date. (*The July 29, 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