

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

Docket No: L-6977-13 (AS)

Civil Action

CASE MANAGEMENT ORDER I

JOHN CALANDRA,
<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 before Special Master Agatha N. Dzikiewicz and the following parties on April 21, 2014:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Reilly Janiczek	Steven Jenks	ITT Corp.; Cleaver Brooks, Inc.
Kent McBride	Kevin Hoffman	ECR (Utica)
McGivney Kluger	Thomas McNulty	Pashman; Taco; Nutley; Weil McLain; Sexauer; Rain Bird
Marshall Dennehey	Paul Johnson	Pep Boys
Hawkins Parnell	Deena Crimaldi	Oakfabco
McElroy Deutsch	Joseph D. Rasnek	AO Smith Water Products Co.
Leader & Berkon	Joseph Fontak	Spirax Sarco
Pascarella DiVita	Madelyn Iulo	Rheem Mfg.
Connell Foley	Timothy Corrison	Palermo
Hoagland Longo	Andrew Kessler	Kohler; Goulds Pumps; Burnham; Modern Plumbing
Porzio Bromberg	Michelle Burke	Pfizer Inc.
Methfessell Werbel	Paul Endler	Auto Zone
Caruso Smith	Lisa Massimi	CertainTeed; Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
O'Toole Fernandez	Leslie Lombardy	Peerless Industries, Inc.
McGivney Kluger	James A. Long	Pashman

IT IS on this 22nd day of April, 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.

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

- July 18, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 18, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 18, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.
- August 18, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 5, 2014 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.
- September 19, 2014 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- September 26, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- October 10, 2014 Summary judgment motions shall be filed no later than this date.
- November 7, 2014 Last return date for summary judgment motions.

MEDICAL DEFENSE

- May 9, 2014 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.
- September 30, 2014 Plaintiff shall serve medical expert reports by this date.
- December 5, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

December 5, 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 9, 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

January 9, 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.

February 17, 2015 (*Tuesday*) 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
Brody Deposition Services
Priority One