

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

Docket No: L-1004-18 (AS)

Civil Action

CASE MANAGEMENT ORDER I

MARIA COCHE (Estate of Walter Coche), <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 July 19, 2018:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Nathaniel Falda	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide
Clyde & Co.	Kevin Turbert	Burnham LLC; Reiner Group
Eckert Seamans	Michael A. Posavetz	AO Smith Corp.
Gibbons PC	Daniel Dorfman	Honeywell International
Gibbons PC	Robert Brown	The Sherwin Williams Co.
Hoagland Longo	Jullian Madison	York International; Kohler Co.
Landman Corsi	Katherine Chu	ECR International Inc.
Marks O'Neill	Nicole M. Mulhern	Columbia Boiler
Mayfield Turner	Sara Satslman	Carrier Corp.
McGivney Kluger	Pooja Patel	Pecora Corp.
McGivney Kluger	Thomas McNulty	Weil McLain; AII Acquisition Corp.
McGivney Kluger	Caitlin Bodtmann	John M. Hartel Co.
McGowan Law Office	John S. McGowan	Sears
Pascarella DiVita	John S. McGowan	Trane US Inc.; Crane Co.; Rheem Mfg.

IT IS on this **20th** day of **July, 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.

Defense counsel shall notify plaintiff's 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

September 28, 2018 Plaintiff shall serve answers to standard interrogatories.

September 28, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.

October 15, 2018 Defendants shall serve answers to standard interrogatories by this date.

November 16, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.

December 31, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

November 16, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.

December 31, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 15, 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.

March 15, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

April 26, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

April 26, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 10, 2019 Summary judgment motions shall be filed no later than this date.

June 7, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

September 28, 2018 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

September 28, 2018 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

April 12, 2019 Plaintiff shall serve medical expert reports by this date.

April 12, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 15, 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

April 12, 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.

July 15, 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.

ECONOMIST EXPERT REPORTS

April 12, 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.

July 15, 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

August 10, 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

August 1, 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.

September 9, 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