

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

**Docket No:** L-1004-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

MARIA COCHE (Estate of Walter Coche),  vs.  AO SMITH CORPORATION, et al	<i>Plaintiff(s),</i>     <i>Defendant(s).</i>
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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)
Caruso Smith	Marcia DePolo	Union Carbide
Caruso Smith	Richard V. Jones	Metropolitan Life
Clyde & Co.	Kevin Turbert	Burnham LLC; Reiner Group
Eckert Seamans	Michael A. Posavetz	AO Smith Corp.
Gibbons PC	Ethan Stein	Honeywell International
Gibbons PC	Robert Brown	The Sherwin Williams Co.
Hoagland Longo	Ibrahim Kosoko	York International; Kohler Co.
Landman Corsi	Jessica Lomia	ECR International Inc.
Marks O'Neill	Paul Smyth	Columbia Boiler
Maron Marvel	Lina C. Flanigan	Keeler/Dorr-Oliver Boiler Co.
Mayfield Turner	Sara Saltsman	Carrier Corp.
McGivney Kluger	Caitlin Bodtmann	Pecora Corp.
McGivney Kluger	Thomas McNulty	Weil McLain; AII Acquisition Corp.
McGivney Kluger	Jeffrey Kluger	John M. Hartel Co.
Pascarella DiVita	Keith O'Connor	Trane US Inc.; Crane Co.; Rheem Mfg.
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks

IT IS on this 8<sup>th</sup> 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.

August 30, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

January 3, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

October 31, 2019 Plaintiff shall serve medical expert reports by this date.

October 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

February 7, 2020 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**

October 31, 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.

February 7, 2020 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**

November 8, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 22, 2019 Summary judgment motions shall be filed no later than this date.

December 20, 2019 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

October 31, 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.

February 7, 2020 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**

March 6, 2020 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                      The settlement conference previously scheduled on this date is **cancelled**.

March 4, 2020 @ 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.

April 6, 2020                      Trial Date. *(The September 9, 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