

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

Docket No: L-1004-18 (AS)

Civil Action

CASE MANAGEMENT ORDER III

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 August 29, 2019:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Nathaniel Falda	Plaintiff(s)
Caruso Smith	Nicholas Albano	Union Carbide
Clyde & Co.	Kevin Turbert	Burnham LLC; Reiner Group
Eckert Seamans	Christopher Bladel	AO Smith Corp.
Gibbons PC	Robert Brown	The Sherwin Williams Co.
Hoagland Longo	Chris Boglioli	York International; Kohler Co.
Landman Corsi	Jessica Lomia	ECR International Inc.
Leader Berkon	Christine Bucca	Weil McLain
Marks O'Neill	Paul Smyth	Columbia Boiler
Maron Marvel	Jennifer McGarrity	Keeler/Dorr-Oliver Boiler Co.
McGivney Kluger	Caitlin Bodtmann	AII Acquisition; John M. Hartel; Pecora Corp.
Pascarella DiVita	Keith O'Connor	Trane US Inc.; Crane Co.; Rheem Mfg.
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks
Turner O'Mara	David J. Gallacher	Carrier Corp.

IT IS on this 29th day of August 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

January 3, 2020 Plaintiff shall serve answers to standard interrogatories by this date.

January 3, 2020 Plaintiff shall serve answers to wrongful death interrogatories by this date.

January 21, 2020 Defendants shall serve answers to standard interrogatories by this date.

February 7, 2020 Plaintiff shall propound supplemental interrogatories and document requests by this date.

March 20, 2020 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

February 7, 2020 Defendants shall propound supplemental interrogatories and document requests by this date.

March 20, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

May 15, 2020 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.

May 15, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

July 31, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

January 3, 2020 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

June 12, 2020 Plaintiff shall serve medical expert reports by this date.

June 12, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 4, 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

June 12, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

September 4, 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

June 5, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 19, 2020 Summary judgment motions shall be filed no later than this date.

July 17, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

- June 12, 2020 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.
- September 4, 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

- September 30, 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

- March 4, 2020 The settlement conference previously scheduled on this date is **cancelled**.
- To be scheduled Settlement conference.
- October 26, 2020 Trial Date. *(The April 6, 2020 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