

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

Docket No: L-5045-18 (AS)

Civil Action

CASE MANAGEMENT ORDER I

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|---|
| STANLEY & DEBRA CROWELL, <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 June 4, 2019:

| FIRM | ATTORNEY | CLIENT |
|-------------------|---------------------|--|
| Napoli Shkolnik | Robert Gitelman | Plaintiff(s) |
| Caruso Smith | Thomas M. Rogers | Union Carbide |
| Eckert Seamans | Michael A. Posavetz | AO Smith Corp. |
| Kelley Jasons | Angela Caliendo | FMC Corp.; Square D |
| Leader Berkon | Christine Bucca | IMO Ind.; Weil McLain |
| McElroy Deutsch | Brian Sorenson | Eaton Corp.; Rockwell Automation |
| Pascarella DiVita | Joshua Greeley | Ingersoll Rand; Trane US; Hoffman/New Yorker |
| Reilly McDevitt | James Andris | Cleaver Brooks |
| Segal McCambridge | Uri Carni | Mannington Mills |
| Tanenbaum Keale | David Blow | CBS Corp.; Foster Wheeler; General Electric |

IT IS on this 4th day of **June 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.

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.

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

June 18, 2019 Plaintiff shall serve answers to standard interrogatories by this date.

June 28, 2019 Defendants shall serve answers to standard interrogatories by this date.

July 12, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.

August 12, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

July 12, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

August 12, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 30, 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.

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

EARLY SETTLEMENT

September 30, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

June 18, 2019 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

November 29, 2019 Plaintiff shall serve medical expert reports by this date.

November 29, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 27, 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

November 29, 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.

March 27, 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

December 20, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 17, 2020 Summary judgment motions shall be filed no later than this date.

February 14, 2020 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

April 17, 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

April 14, 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.

May 11, 2020 Pretrial Information Exchange submissions due.

May 18, 2020 Trial-Ready 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