

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

ROBERT & CONNIE MAS,  vs. AO SMITH WATER PRODUCTS CO., et al	<i>Plaintiff(s),</i>   <i>Defendant(s).</i>
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**Docket No:** L-1484-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on November 30, 2018:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Nicholas Albano, III	Union Carbide; CertainTeed
Drinker Biddle	Jack Frost, Esq.	Neles-Jamesbury
Eckert Seamans	Matthew Donelson	AO Smith Water Products Co.
Gibbons PC	Phillip J. Duffy	Yuba Heat Transfer
Harris Beach	Robert Schaefer	Hubbel, Inc.; Hubbell Incorporated (DE); Milton Roy
Jones Law Office	Richard V. Jones	Metropolitan Life
Kelley Jasons	Angela Caliendo	Square D n/k/a Schneider Electric; FMC Corp.
Leader & Berkon	Christine Bucca	IMO Ind.; Spirax Sarco; Electrolux Home Products
Maron Marvel	Timothy Coughlan	Velan Valve Co.
Marshall Dennehey	Paul Johnson	Riley Power; Cooper Ind.
Marshall Dennehey	Arthur Bromberg	BMCE, Inc.; Cashco; Manitowoc; Joy Underground Mining
McCarter & English	Jean Petterson	Fisher Scientific
McElroy Deutsch	Denise D. Harris	Crosby; Eaton; Flowserve US, Inc.; Rockwell Automation; Fisher Control Valves; Pfizer; Robert Shaw Controls Co.
McGivney Kluger	Joel Clark Caitlin Bodtmann	Weil McLain; Marley Colling Nash Engineering; Atwood & Morrill Co.
O'Brien Firm	Jodie J. Farrow	ABB, Inc.
Pascarella DiVita	Joshua Greeley	Crane Co.
Reilly McDevitt	Brandy Harris	Gould Electronics, Inc.; Cleaver Brooks, Inc.
Tanenbaum Keale	Afigo Fadahunsi	CBS Corp.; Foster Wheeler; Research Cottrell

IT IS on this 3<sup>rd</sup> day of **December, 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.

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**

- December 28, 2018 Defendants shall serve answers to standard interrogatories by this date.
- January 31, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 1, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- January 31, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.
- March 1, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- April 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.
- April 30, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

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

### **MEDICAL EXPERT REPORT**

- June 28, 2019 Plaintiff shall serve medical expert reports by this date.
- June 28, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- October 4, 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**

- June 28, 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.
- October 4, 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.

## **SUMMARY JUDGMENT MOTION PRACTICE**

June 28, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 19, 2019 Summary judgment motions shall be filed no later than this date.

August 16, 2019 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

June 28, 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.

October 4, 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**

October 31, 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**

October 18, 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.

November 12, 2019 Pretrial Information Exchange submissions due.

November 18, 2019 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