

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

**Docket No: L-2821-16 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

JOSEPH MAUCERI,  <i>Plaintiff(s),</i>
vs.
AO SMITH WATER PRODUCTS CO., 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 January 19, 2017:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Alexandra Caruso	Union Carbide
Eckert Seamans	Robert McGuire	AO Smith Water Products
Gibbons PC	Ahmed Kassim	Honeywell International
Kelley Jasons	Angela Caliendo	Guard-Line
Leader & Berkon	Susan Cirilli	IMO; Electrolux Home Products
Lynch Daskal	Alexander Broche	Georgia Pacific
Marshall Dennehey	Paul Johnson	Pep Boys; Warren Pumps
McCarter & English	John C. Garde	Fisher Scientific
McElroy Deutsch	Joseph D. Rasnek	Burnham
McGivney Kluger	Caitlin Bodtmann	Weil McLain; DAP; JA Sexauer
O'Toole Fernandez	Gary Van Lieu	Dana
Reilly Janiczek	Zachary Green	Cleaver Brooks
Sedgwick LLP	Afigo Fadahunsi	Borg Warner
Wilbraham Lawler	Tristin Fabro	Air & Liquid Systems Corp.

IT IS on this 20<sup>th</sup> day of January, 2017, 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**

February 3, 2017      Plaintiff shall propound supplemental interrogatories and document requests by this date.

- March 3, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- February 3, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.
- March 3, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- April 28, 2017 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 28, 2017 Depositions of corporate representatives shall be completed by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 26, 2017 Summary judgment motions shall be filed no later than this date.
- June 23, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- July 28, 2017 Plaintiff shall serve medical expert reports by this date.
- September 29, 2017 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**

- July 28, 2017 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.
- September 29, 2017 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.

### **EXPERT DEPOSITIONS**

- October 20, 2017 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 12, 2017 @ 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.

November 6, 2017

Pretrial Information Exchange submissions due.

November 13, 2017

**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