

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

**Docket No:** L-1372-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ANTOINETTE McCONNELL (Estate of Ramon E. McConnell),  <i>Plaintiff(s),</i>  vs. AO SMITH WATER PRODUCTS CO., et al  <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 September 27, 2018:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Thomas M. Rogers	CertainTeed
Eckert Seamans	Jill Cohen	AO Smith Water Products
Harris Beach	Robert Schaefer	Saint Gobain
Hawkins Parnell	Roy Viola	Milwaukee Valve
Lavin O'Neil	LaWanda D. White	Amdura Corp.
McElroy Deutsch	Donna Gardiner	Flowserve US Inc.
Pascarella DiVita	Joshua Greeley	Crane Co.
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks
Swartz Campbell	Laure A. Bartow	Herman Goldner
Tanenbaum Keale c/o Speziali Greenwald	Joanne Hawkins	CBS; Foster Wheeler
Wilbraham Lawler	Lynn Roberts, III	Air & Liquid Systems Corp.

IT IS on this 1<sup>st</sup> day of **October, 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.

**DISCOVERY**

October 19, 2018      Defendants shall serve answers to standard interrogatories by this date.

November 2, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.

December 14, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

November 2, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.

December 14, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

February 28, 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.

March 29, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 9, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 14, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 28, 2019 Summary judgment motions shall be filed no later than this date.

July 26, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

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

May 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.

August 30, 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**

May 31, 2019 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.

August 30, 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.

**EXPERT DEPOSITIONS**

September 27, 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**

September 20, 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. 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.

October 28, 2019                      Trial 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