

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

**Docket No: L-829-14 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

<p>LOUIS &amp; ANN PAIGE,</p> <p style="text-align: center;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>AO SMITH WATER PRODUCTS, et al</p> <p style="text-align: center;"><i>Defendant(s).</i></p>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 17, 2014:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Michael McMahon	Plaintiff(s)
Carroll McNulty	Kate Hyde	Copes Vulcan
Caruso Smith	Lisa Massimi	Union Carbide; CertainTeed
Eckert Seaman	Michelle Grady	Superior Lindgerwood Mundy Corp.
Gibbons PC	Ahmed Kassim	Honeywell
Hoagland Longo	Jason Gosnell	York; Burnham; Goulds Pumps; Borg Warner
Kelley Jasons	Angela Caliendo	FMC; Crosby Valve
Kent McBride	Ravi Shah	Alfa Laval
Margolis Edelstein	Adam Najib	John Crane; Goodrich
Marshall Dennehey	Paul Johnson	Riley Stoker
Mayfield Turner	Zoe Elfenbein	Carrier Corp.
McElroy Deutsch	Helen Antoniou McGowan	AO Smith Water Products; Flowserve US Inc, as successor to Rockwell
McGivney Kluger	Caitlin Christie	Falk; Hopeman Brothers; Weil-McLain
Pascarella DiVita	Michael A. Posavetz	Trane US Inc.

IT IS on this 21<sup>st</sup> day of April, 2014 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 plaintiffs' 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**

- April 30, 2014 Defendants shall serve answers to standard interrogatories by this date.
- May 23, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- June 23, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- May 23, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.
- June 23, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 31, 2014 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.
- August 15, 2014 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- August 29, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- August 22, 2014 Summary judgment motions shall be filed no later than this date.
- September 19, 2014 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- May 9, 2014 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.
- June 30, 2014 Plaintiff shall serve medical expert reports by this date.
- June 30, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 5, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

September 15, 2014 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.

October 17, 2014 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 31, 2014 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 21, 2014 @ 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 10, 2014 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  
Brody Deposition Services  
Priority One