

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

ROBERT & LOIS REID,

Plaintiff(s),

vs.

AO SMITH CORPORATION, et al

Defendant(s).

Docket No: L-11-11 (AS)

Civil Action

CASE MANAGEMENT ORDER I
AMENDED

This matter having previously come in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on April 4, 2011 and the following firms appearing:

| | | |
|---------------------------------|---------------------------------|--|
| <i>Motley Rice</i> | <i>Vincent Greene, Esq.</i> | <i>Plaintiff(s)</i> |
| <i>Braaten & Pascarella</i> | <i>Matthew Aboyme, Esq.</i> | <i>Ingersoll Rand; Vimasco</i> |
| <i>Bucca & Campisano</i> | <i>Benjamin Bucca Jr., Esq.</i> | <i>IMO</i> |
| <i>Caruso Smith</i> | <i>Marcia DePolo, Esq.</i> | <i>CertainTeed</i> |
| <i>Gibbons</i> | <i>Mark R. Galdieri, Esq.</i> | <i>Honeywell International Inc.</i> |
| <i>Hoagland Longo</i> | <i>Mark Wasef, Esq.</i> | <i>Borg Warner</i> |
| <i>Kelley Jasons</i> | <i>Jason Scheets, Esq.</i> | <i>Square D</i> |
| <i>Lynch Daskal</i> | <i>Dennis Schmieder, Esq.</i> | <i>Georgia Pacific</i> |
| <i>Maron Marvel</i> | <i>Meryl Topchik, Esq.</i> | <i>Industrial Holdings Corp.</i> |
| <i>McCarter & English</i> | <i>John Garde, Esq.</i> | <i>Owens Illinois</i> |
| <i>McElroy Deutsch</i> | <i>Michelle Hydrusko, Esq.</i> | <i>AO Smith; Flowserve; Foxboro</i> |
| <i>Reilly Janiczek</i> | <i>Chrystale Hewitt, Esq.</i> | <i>Cleaver Brooks; ITT; George V. Hamilton</i> |
| <i>Speziali Greenwald</i> | <i>Michael Quinn, Esq.</i> | <i>General Electric; Foster Wheeler</i> |
| <i>Wilbraham Lawler</i> | <i>Charles Holmgren, Esq.</i> | <i>Maremont</i> |

IT IS on this 24th day of **AUGUST, 2011**, Case Management Order I is hereby

AMENDED 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.

EARLY SETTLEMENT

September 2, 2011 Settlement demands shall be served on all counsel and the Special Master by this date.

September 13, 2011 The settlement conference previously scheduled on this date is **cancelled**.

POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE

October 6, 2011 @ 9:30am 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.

Case Management Conference to follow, if necessary.

MEDICAL DEFENSE

- October 24, 2011 Plaintiff shall serve additional medical expert reports by this date.
- October 24, 2011 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- November 30, 2011 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

- October 24, 2011 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.
- November 30, 2011 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

- December 30, 2011 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

- To be scheduled Final settlement conference.
- January 30, 2012 Trial Date. *(The October 31, 2011 trial is adjourned to this date.)*

Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ann G. McCormick
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One