

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

Docket No: L-3357-12 (AS)

Civil Action

CASE MANAGEMENT ORDER I

JAMES & GWENDOLYN SEYMOURE,

Plaintiff(s),

vs.

AO SMITH WATER PRODUCTS, et al

Defendant(s).

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 14, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Levy Phillips	Leah Kagan	Plaintiff(s)
Archer & Greiner	William O'Kane	Bridgestone Americas Tire Operations, LLC
Braaten & Pascarella	Timothy Coughlan	International Paper
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Eckert Seamans	Carolyn J. Campanella	Ford Motor Co.
Gibbons PC	Ahmed J. Kassim	Honeywell / Bendix
Goldberg Segalla	Michael J. Leegan	Ryader
Goldfein & Joseph	Gary Every	ACL / Bell
Harwood Lloyd	Russell Pepe	Carlisle
Hoagland Longo	Nora Grimbergen	Borg Warner
Margolis Edelstein	Ashley Mollenthiel	Central Jersey Supply; BF Goodrich
Marks O'Neill	Paul Smyth	Honeywell, Inc.
Marshall Dennehey	Paul Johnson	Kaiser Gypsum
McCarter & English	Mitchell Kurtz	Fisher Scientific
McElroy Deutsch	Lindsey P. Bobinger	AO Smith; Lipe; Eaton; Occidental
McGivney Kluger	Nancy Giacumbo	Hollingsworth & Vose
O'Toole Fernandez	Leslie Lombardy	Dana
Porzio Bromberg	Heather Siegelheim	Wyth Holdings Corp. f/k/a American Cyanamid
Rawle & Henderson	Nancy Monte Carlo	Mack
Segal McCambridge	Dinesh Dadlani	Paccar
Smith Abbot	Mark Debrowski	Pneumo Abex
Wade Clark	Robert Ball	Mitsui
Wilbraham Lawler	Timothy F. Coffey	Maremont
Wilson Elser	Joseph A. Gallo	McCord Corp.

IT IS on this 15th day of June, 2012 *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

- | | |
|-------------------|---|
| August 31, 2012 | Plaintiff shall serve answers to wrongful death interrogatories by this date. |
| July 6, 2012 | Defendants shall serve answers to standard interrogatories by this date. |
| July 31, 2012 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| August 31, 2012 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| July 31, 2012 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| August 31, 2012 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |
| December 31, 2012 | 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. |
| January 31, 2013 | Depositions of corporate representatives shall be completed by this date. |

EARLY SETTLEMENT

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| February 8, 2013 | Settlement demands shall be served on all counsel and the Special Master by this date. |
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SUMMARY JUDGMENT MOTION PRACTICE

- | | |
|-------------------|---|
| February 22, 2013 | Summary judgment motions limited to product identification issues shall be filed no later than this date. |
| March 22, 2013 | Last return date for product identification summary judgment motions. |

OTHER MOTIONS

March 8, 2013 Filing date.

April 5, 2013 Return date.

MEDICAL DEFENSE

July 31, 2012 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.

December 31, 2012 Plaintiff shall serve additional medical expert reports by this date.

December 31, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 19, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

March 29, 2013 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.

April 30, 2013 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

May 17, 2013 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

April 17, 2013 @ 1:30pm 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.

June 10, 2013

Trial 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