

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

**Docket No:** L-2115-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**  
**\*Corrected**

ESTATE of LARRABEE M. SMITH, <i>Plaintiff(s),</i>
vs.
AIR & LIQUID SYSTEMS CORP., 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 28, 2019:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Nathaniel Falda	Plaintiff(s)
Caruso Smith	Thomas Rogers	Metropolitan Life
Connell Foley	Scott Press	Circuit Breaker Sales Co., Inc.
Cullen & Dykman	Raghu Bandlamudi	Honda North America
Gibbons PC	Phillip J. Duffy	Yuba Heat Transfer
Hughes Hubbard	Jennifer Suh	RJ Reynolds Tobacco Co.
Kelley Jasons	Angela Caliendo	Square D
Leader Berkon	Christine Bucca	Spirax Sarco; IMO Industries
Margolis Edelstein	Nicolas Sulpizio	Alpha Wire; Belden Wire
Maron Marvel	Timothy Coughlan	Velan Valve
Marshall Dennehey	Paul Johnson	Riley Power; Pep Boys; Warren Pumps
Marshall Dennehey	Arthur Bromberg	American Insulated Wire; RSCC Wire & Cable
McElroy Deutsch	Donna Gardiner	Rockwell Automation; Crosby Valve; Eaton Corp.
McGivney Kluger	Thomas McNulty	Gardner Denver; Ward Leonard; CCX, Inc.
McGivney Kluger	Kevin Hoffman	Weil McLain; Flowserve; Armstrong International
Pascarella DiVita	John S. McGowan	Ingersoll Rand; Trane Co.; Crane Co.; General Cable
Reilly McDevitt	Hena Kumar	Aurora Pump; Cleaver Brooks; General Wire Products
Segal McCambridge	Justine Martolano	BW/IP
Tanenbaum Keale	Arshia Hourizadeh	Borg Warner
Wilbraham Lawler	Lynn Roberts	Air & Liquid Systems Corp.

IT IS on this 31<sup>st</sup> day of January, 2019, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

## **DISCOVERY**

June 14, 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.

July 15, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

August 30, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

August 16, 2019 Plaintiff shall serve medical expert reports by this date.

August 16, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

**\*November 22, 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**

August 16, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

November 22, 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.

## **SUMMARY JUDGMENT MOTION PRACTICE**

August 30, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 13, 2019 Summary judgment motions shall be filed no later than this date.

October 11, 2019 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

August 16, 2019 Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

November 22, 2019 Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

## **EXPERT DEPOSITIONS**

December 31, 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**

June 12, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

To be scheduled                      Settlement conference.

February 3, 2020                      Trial Date. (*The July 15, 2019 trial is adjourned to this 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