

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

Docket No: L-1715-15 (AS)

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of KIRSTINN L. WIRICK, <p style="text-align: right;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> AO SMITH WATER PRODUCTS, et al <p style="text-align: right;"><i>Defendant(s).</i></p>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 23, 2017:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Benjamin Darche	Plaintiff(s)
Budd Lerner	Terence W. Camp	The Goodyear Tire & Rubber Co.
Caruso Smith	Marcia DePolo	AmChem; CertainTeed; Union Carbide
Delany McBride	Ariana Seidel	Peerless Industries
Eckert Seamans	Robert McGuire	A.O. Smith Water Products
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Goldfein & Joseph	Willard Preston	Domco
Hoagland Longo	Jillian Madison	Kohler
Kelley Jasons	Dana Maugeri	FMC Corp.
Kent McBride	William Markwardt	ECR /Utica Boilers
Leader & Berkon	Christine Bucca	IMO; Electrolux Home Products
Lynch Daskal	Alexander Broche	Georgia Pacific
Marks O'Neill	Paul Smyth	Columbia Boiler; Superior Boiler Works; JM Mfg.
Marshall Conway	Norman Golub	Slant/Fin Corp.
Marshall Dennehey	Jeremy Zacharias	Riley Stoker; Warren Pumps
Mayfield Turner	Sara Saltsman	Carrier
McElroy Deutsch	Joseph D. Rasnek	Pfizer; Flowserve US; Burnham
McGivney Kluger	Joel Clark Thomas McNulty	Weil McLain; Gardner Denver A Dover; Zurn
Rawle & Henderson	Christina A. Gonzales	American Biltrite, Inc.
Segal McCambridge	Audrey O. Anyaele	BW/IP
Tanenbaum Keale	David Blow	CBS/Westinghouse; Foster Wheeler
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International, Inc.; Bird, Inc.
Wilbraham Lawler	Tristin Fabro	Karnak Corp.; Lennox; Buffalo Pumps

IT IS on this 24th day of March, 2017, 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.

DISCOVERY

June 2, 2017 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.

SUMMARY JUDGMENT MOTION PRACTICE

June 2, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 9, 2017 Summary judgment motions shall be filed no later than this date.

July 7, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

July 14, 2017 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

July 3, 2017 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 4, 2017 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

August 18, 2017 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

July 14, 2017 @ 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.

August 10, 2017 @ 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.

September 5, 2017 (*Tuesday*) 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