

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

Docket No: L-262-16 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ROBERT CHESTER,	<i>Plaintiff(s),</i>
vs.	
AO SMITH WATER PRODUCTS, 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 July 8, 2016:

FIRM	ATTORNEY	CLIENT
Belluck & Fox	William Papain	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide
Christie & Young	George S. Bobnak	HB Fuller Co.
Day Pitney	Rasika Chakravarthy	International Paper Co.
Forman Watkins	Thomas M. Toman, Jr.	Weyerhaeuser Corp.
Goldfein & Joseph	Willard Preston	Domco
Hoagland Longo	James Goodloe	York International; Frick Co.
Marshall Dennehey	Paul Johnson	Kaiser Gypsum
Mayfield Turner	Adam Fogarty	Carrier
McElroy Deutsch	Joseph D. Rasnek	Burnham; Pfizer
McGivney Kluger	Joel Clark	Homasote; Weil McLain; DAP; Algoma Hardwoods; Allied Building Products
O'Toole Fernandez	Gary Van Lieu	Somerville Lumber
Pascarella DiVita	Bradley Bishop	Rheem Mfg.
Rawle & Henderson	Jamie Augustinsky	ABI
Segal McCambridge	William P.	Mannington Mills
Speziali Greenwald	Joanne Hawkisn	General Electric
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.

IT IS on this 11th day of July, 2016, *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 plaintiff's 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

- July 15, 2016 Defendants shall serve answers to standard interrogatories by this date.
- July 22, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 22, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 22, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- August 22, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 16, 2016 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.
- September 16, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- July 29, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.
- September 21, 2016 @ 10:00am Early 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.

SUMMARY JUDGMENT MOTION PRACTICE

- September 16, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 30, 2016 Summary judgment motions shall be filed no later than this date.
- October 28, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

- September 16, 2016 Plaintiff shall serve medical expert reports by this date.
- September 16, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- November 16, 2016 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

- September 16, 2016 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 16, 2016 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 9, 2016 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

- November 30, 2016 @ 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.
- 10 business days prior to trial Pretrial Information Exchange Form due.
- January 9, 2017 **Trial-Ready** 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