

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

Docket No: L-1715-15 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ESTATE of KIRSTINN L. WIRICK, <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
Weitz & Luxenberg	Brandi Everett Benjamin Darche	Plaintiff(s)
Budd Lerner	Terence W. Camp	The Goodyear Tire & Rubber Co.
Caruso Smith	Alexandra Caruso	AmChem; CertainTeed; Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Goldfein & Joseph	Willard Preston	Domco
Hoagland Longo	James Goodloe	Kohler Co.
Kelley Jasons	Liza Stagliano	FMC Corp.
Kent McBride	Bradley Lawrence	Utica Boilers
Leader & Berkon	Susan Cirilli	Spirax Carco, Inc.; IMO; Electrolux Home Products
Lynch Daskal	Troy P. Cunningham	Georgia Pacific
Marks O'Neill	Paul Smyth	JM Mfg. Co.; Superior Boiler; Columbia Boiler
Maron Marvel	Carolyn Williams	Keeler Dorr Oliver
Marshall Conway	Norman J. Golub	Slant/Fin Corp.
Marshall Dennehey	Paul Johnson	Riley Stoker; Warren Pumps; Kaiser Gypsum
Mayfield Turner	Adam Fogarty	Carrier
McElroy Deutsch	Joseph D. Rasnek	Burnham; Flowserve; Pfizer
McGivney Kluger	Thomas McNulty	Weil McLain; Zurn; Gardner Denver;
O'Toole Fernandez	Gary Van Lieu	Peerless
Pascarella DiVita	Bradley Bishop	Rheem; Crane Co.
Rawle & Henderson	Jamie Augustinsky	American Biltrite Inc.
Reilly Janiczek	Adrianna Exler	Cleaver Brooks; Aurora; Crown Boiler
Segal McCambridge	William P.	Byron Jackson
Speziali Greenwald	Joanne Hawkins	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 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

- August 5, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- July 29, 2016 Defendants shall serve answers to standard interrogatories by this date.
- August 19, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- September 19, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- August 19, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- September 19, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 30, 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.
- December 30, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- December 16, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.
- January 19, 2017 @ 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

- January 20, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 3, 2017 Summary judgment motions shall be filed no later than this date.
- March 3, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

- November 30, 2016 Plaintiff shall serve medical expert reports by this date.

- November 30, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- May 12, 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

- April 7, 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.
- May 12, 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

- May 31, 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

- April 6, 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.
- June 19, 2017 Trial Date.

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

ANA C. VISCOMI, J.S.C.

cc: counsel:

Harris Beach *for Milton Roy*

cc: Clerk, Mass Tort