

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, <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 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