

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

Docket No: **L-3249-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

RUTHANN BIAMONTE (Estate of Nicholas Biamonte),  <i>Plaintiff(s),</i>  vs.  AO SMITH WATER PRODUCTS CO., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *December 6, 2013*:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Gibbons PC	Robert Brown	Honeywell International Inc.
Hawkins Parnell	Roy Viola	Oakfabco
Hoagland Longo	Marc S. Gaffrey	Modern Plumbing & Heating Supply; Borg Warner
Hoagland Longo	Steven Satz	Burnham; Goulds Pumps
LeClair Ryan	Robyn Kalocsay	Ford Motor Co.
McElroy Deutsch	Joseph D. Rasnek	AO Smith Water Products
McGivney Kluger	Joel Clark	Weil McLain
McGowan Law Office	John S. McGowan	Sears
O'Toole Fernandez	Gina Apostolico	Peerless Industries
Reilly Janiczek	Timothy J. Ryan	Cleaver Brooks; ITT Corp.

IT IS on this 9<sup>th</sup> day of **December, 2013** *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**

April 28, 2014

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.

May 30, 2014 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 6, 2014 The settlement conference previously scheduled on this date is **CANCELLED**.

May 30, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

*\*Tentative Motion Schedule – Court’s July 2014 – June 2015 motion schedule not available at this time.*

June 27, 2014 Summary judgment motions limited to product identification issues shall be filed no later than this date.

July 25, 2014 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

May 30, 2014 Plaintiff shall serve additional medical expert reports by this date.

May 30, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 29, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

July 25, 2014 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 29, 2014 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**

September 19, 2014 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**

September 11, 2014 @ 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.

October 6, 2014

Trial Date. (*The June 2, 2014 trial is adjourned to this date.*)

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

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One