

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

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

Civil Action

CASE MANAGEMENT ORDER III

RUTHANN BIAMONTE (Estate of Nicholas Biamonte), <i>Plaintiff(s),</i> vs. AO SMITH WATER PRODUCTS CO., 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 April 21, 2014:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Lisa Massimi	CertainTeed; Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hawkins Parnell	Deena Crimaldi	Oakfabco
Hoagland Longo	Andrew Kessler	Borg Warner; Modern Plumbing; Burnham; Goulds; Kohler
Kent McBride	Kevin Hoffman	ECR (Utica)
LeClair Ryan	Robyn Kalocsay	Ford Motor Co.
Marshall Dennehey	Paul Johnson	Pep Boys
McElroy Deutsch	Joseph D. Rasnek	AO Smith Water Products
McGivney Kluger	Thomas McNulty	Weil McLain
McGowan Law Office	John S. McGowan	Sears
Methfessel & Werbel	Paul Endler	Auto Zone
O'Toole Fernandez	Leslie Lombardy	Peerless Industries
Reilly Janiczek	Steven Jenks	Cleaver Brooks; ITT Corp.

IT IS on this 22nd day of April, 2014 *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

- September 5, 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.
- September 19, 2014 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- September 11, 2014 The settlement conference previously scheduled on this date is **CANCELLED**.
- September 26, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- October 10, 2014 Summary judgment motions shall be filed no later than this date.
- November 7, 2014 Last return date for summary judgment motions.

MEDICAL DEFENSE

- September 30, 2014 Plaintiff shall serve additional medical expert reports by this date.
- September 30, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- December 5, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

- December 5, 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.
- January 9, 2015 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

- January 30, 2015 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

January 9, 2015 @ 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.

February 17, 2015 (*Tuesday*) Trial Date. (*The October 6, 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/ Ana C. Viscomi
ANA C. VISCOMI, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One