

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

**Docket No:** L-5881-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

<p>PHILIP &amp; GAIL BOTTACAVOLA, <i>Plaintiff(s),</i></p> <p>vs.</p> <p>AO SMITH CORPORATION, et al <i>Defendant(s).</i></p>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on January 31, 2018:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins	Plaintiff(s)
Barry McTiernan Moore	Anna Hagtheodosiou	NJ Plumbing Group
Budd Lerner	Terence Camp	Goodyear
Caruso Smith	Lisa Massimi	Union Carbide; Kennedy Culvert
Eckert Seamans	Ezra Alter	AO Smith Corp.
Fox Rothschild	Thomas Mastroianni	Merck Sharp & Dohme Corp.
Hoagland Longo	Jillian Madison	Kohler; Johnston Boiler; Johnson Controls, Inc.
Landman Corsi	Colin P. Be	ECR International
Leader & Berkon	Christine Bucca	Spirax Sarco
Marks O'Neill	Sebastian Goldstein	Columbia Boiler; Superior Boiler Works
Maron Marvel	Lina Carrera	CompuDyne; Keeler/Dorr-Oliver Boiler Co.
Marshall Conway	Norman J. Golub	Slant/Fin Corp.
Mayfield Turner	Jessica S. O'Connor	Carrier Corp.
McCarter & English	Sarah Tremer	Hercules, Inc.
McElroy Deutsch	Stephanie Lopez	Burnham; Eaton
McGivney Kluger	Joel Clark	Bergen Industrial; Federated Dept.; Zurn Ind.; Pecora; DAP
McGivney Kluger	Thomas McNulty	Red Devil; Weil McLain; Grundfos Pumps; Nutley Supply; Graybar
Nowell	Linda Dunne	United Supply
Pascarella DiVita	Bradley E. Bishop	Ingersoll Rand; Crane Co.; Trane US; Rheem Mfg.
Reilly Janiczek	Adrianna Exler	Cleaver Brooks; Ral Supply; Office Max
Schenck Price	James Kassis	Montclair Health / Mountainside Hospital
Segal McCambridge	Alexander Schaffel	BW/IP
Tanenbaum Keale	Maryam Meseha	General Electric; CBS; Borg Warner; Foster Wheeler
Vasios Kelley	Thomas J. Kelly, Jr.	Armstrong International
White & Williams	Augusta O'Neill	Bradford White; Laars Heating Systems
Wilbraham Lawler	Matthew L. Jones	Dunphy Smith; Universal Supply; Eastern Penn Supply Co.

IT IS on this 2<sup>nd</sup> day of **February, 2018**, 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**

- February 9, 2018 Defendants shall serve answers to standard interrogatories by this date.
- March 2, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- April 6, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 2, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- April 6, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- May 7, 2018 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.
- June 8, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- August 24, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- July 6, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- July 20, 2018 Summary judgment motions shall be filed no later than this date.
- August 17, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- June 29, 2018 Plaintiff shall serve medical expert reports by this date.
- June 29, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 28, 2018 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**

- June 29, 2018 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.
- September 28, 2018 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.

### **ECONOMIST EXPERT REPORTS**

- June 29, 2018 Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.
- September 28, 2018 Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

### **EXPERT DEPOSITIONS**

- October 22, 2018 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 1, 2018 @ 1:30pm 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.
- November 19, 2018 Pretrial Information Exchange submissions due.
- December 3, 2018 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: counsel:

Breuninger & Fellman for *Genuine Parts*

Kelley Jasons for *Square D*

cc: Clerk, Mass Tort