

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

Docket No: **L-613-17 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

KARL BRAUN,	<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 May 25, 2017:

FIRM	ATTORNEY	CLIENT
Belluck & Fox	Brittany A. Russell	Plaintiff(s)
Barry McTiernan & Wedinger	Jennifer Cheong	Fulton Boilers
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.; NAPA
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Clyde & Co.	Kevin Turbert	Jenkins Bros.
Cullen & Dykeman	John J. Burbridge	Howden North America Inc.
Eckert Seamans	Stephanie Coleman	Superior Lidgerwood Mundy Corp.; Navistar; AO Smith
Garrity Graham	Anthony Marino	United Conveyor
Gibbons PC	Mark R. Galdieri	Honeywell International
Hoagland Longo	Alyssa DeFuria	York; Frick
Jones Law Office	Richard V. Jones	Metropolitan Life
Kent McBride	Francine Dimter	Alfa Laval Inc.
Leader & Berkon	Joseph Fontak	Spirax Sarco; Electrolus; Clark Reliance
Lebowitz Oleske	Matthew Connahan	Spence
LeClair Ryan	Adam Husik	Ford
Margolis Edelstein	Lawrence Buris	Goodrich Corp.
Marks O'Neill	Sophia Turis	Barnes & Jones Inc.
Maron Marvel	James C. McKeown	Velan Valve
Marshall Dennehey	Brielle Kovalchek	Warren Pumps; Riley Power
Mayfield Turner	Sara Saltsman	Carrier Corp.
McElroy Deutsch	Joseph D. Rasnek	Burnham; Flowserve US
O'Toole Scrivo	Gary Van Lieu	Clark Reliance; Coen Co.
Pascarella DiVita	Joshua Greeley	Crane Co.; Rheem Mfg.
Reilly Janiczek	Inna S. Keith	Cleaver Brooks; Dezurik; Aurora Pump
Tanenbaum Keale	David Blow	Foster Wheeler; Borg Warner
Vasios Kelly	Douglas Singleterry	Armstrong International
Wilbraham Lawler	Matthew Jones	GreenTweed; Buffalo Pumps

IT IS on this 26<sup>th</sup> day of May, 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.

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**

- June 9, 2017 Defendants shall serve answers to standard interrogatories by this date.
- June 16, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 17, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 16, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 17, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 31, 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.
- August 31, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- September 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- September 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 29, 2017 Summary judgment motions shall be filed no later than this date.
- October 27, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- September 22, 2017 Plaintiff shall serve medical expert reports by this date.
- September 22, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- November 30, 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**

- September 22, 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.
- November 30, 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**

- December 22, 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**

- December 12, 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.
- January 16, 2018 Pretrial Information Exchange submissions due.
- January 22, 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: Clerk, Mass Tort