

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

Docket No: L-3001-17 (AS)

Civil Action

CASE MANAGEMENT ORDER I

CLIFFORD & PAMELA KISBY, <i>Plaintiff(s),</i>
vs.
AO SMITH CORPORATION, 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 September 21, 2017:

FIRM	ATTORNEY	CLIENT
Early Law Firm	Matthew Park	Plaintiff(s)
Caruso Smith Picini	Alexandra Caruso	CertainTeed
Clemente Mueller	Dmitry Lapin	William Powell
Cullen & Dykeman	Austin O'Malley	FW Webb
Delany McBride	Ariana Seidel	Peerless
Eckert Seamans	Stephanie Coleman	AO Smith Corp.
Forman Watkins	Thomas Toman	Weyerhaeuser Co.
Gibbons PC	Daniel Dorfman	Honeywell International
Hack Piro	Robert Alencewicz	HB Smith
Kelley Jasons	Angela Caliendo	FMC Corp.
Landman Corsi	Colin P. Be	ECR (Utica Boilers)
Leader & Berkon	Christine Bucca	IMO; Spirax Sarco
Marks O'Neill	Melissa Kanbayashi	Columbia Boiler; Superior Boiler Works
Marshall Conway	Adam Golub	Slant/Fin
Marshall Dennehey	Paul Johnson	Riley Power
McElroy Deutsch	Donna Gardiner	Burnham; Crosby; Anderson Greenwood; Knukle
McGivney Kluger	Joel Clark Caitlin Bodtmann	Homosote; Sid Harvey; Core Ind.; Weil McLain; Pecora; Atwood & Morrill; Ace Plumbing; Fairbanks
Montgomery Chapin Fetten	John Fetten	JH France Refractories
O'Brien Firm	Tracy Cabbage	Grant
Pascarella DiVita	Inge B. Cully	Ingersoll Rand; Trane US Inc.; Crane Co.; Rheem Mfg. Co.
Rawle & Henderson	Timothy Alexander	Cyprus; Imerys
Reilly Janiczek	Adrianna Exler	Cleaver-Brooks; SOS
Styliades Mezzanotte	Bryan Jeffers	Viking Pump
Tanenbaum Keale	Maryam Meseha	Borg Warner; CBS/Westinghouse; Foster Wheeler; General Electric
Vasios Kelly Struollo	Thomas J. Kelly, Jr.	Armstrong International

IT IS on this 25th day of September, 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

- December 29, 2017 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- December 1, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- January 15, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 1, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.
- January 15, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- May 15, 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 15, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- December 29, 2017 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

- December 1, 2017 Plaintiff shall serve executed medical authorizations by this date.
- July 16, 2018 Plaintiff shall serve medical expert reports by this date.
- July 16, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- October 31, 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

- September 17, 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.
- October 31, 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

- September 17, 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.
- October 31, 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

- November 21, 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 13, 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.
- December 17, 2018 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