

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

**Docket No:** L-6996-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III  
AMENDED**

MARY SCHULTZ,  vs.  AO SMITH WATER PRODUCTS, et al	<i>Plaintiff(s),</i>   <i>Defendant(s).</i>
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*This matter having previously come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on January 19, 2017:*

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Connell Foley	Scott Press	PSE&G
Eckert Seamans	Robert McGuire	AO Smith
Hack Piro	Robert Alencewicz	HB Smith
Hardin Kundla	Nicea D'Annunzio	Aaron
Leader & Berkon	Susan Cirilli	IMO
Lenahan & Rockwell	Kristin Deleppo	Nooter Construction Co.
Mayfield Turner	Adam Fogarty	Carrier Corp.
McElroy Deutsch	Joseph D. Rasnek	Burnham; ExxonMobil
McGivney Kluger	Thomas McNulty	Weil McLain
O'Toole Fernandez	Gary Van Lieu	WA Birdsall
Pascarella DiVita	Cory Simmons-Edler	Rheem Mfg.
Porzio Bromberg	Michelle Burke	E.I. DuPont de Nemours & Co.
Reilly Janiczek	Zachery Green	Crown Boiler
Ricci Tyrrell	Nancy Green	CBI
Sedgwick LLP	Afigo Fadahunsi	CBS/Westinghouse; Foster Wheeler
Swartz Campbell	Laura A. Bartow	Sunoco
White & Williams	Victor Zarrilli	Bradford White Corp.
Wilbraham Lawler	Tristin Fabro	South Amboy Plumbing Supply Co.
Wilson Elser	Joseph Hanlon	Hess

IT IS on this 15<sup>th</sup> day of JUNE, 2017, Case Management Order III is hereby

**AMENDED** 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.

**SUMMARY JUDGMENT MOTION PRACTICE**

August 18, 2017      Summary judgment motions shall be filed no later than this date.

September 15, 2017      Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

October 31, 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**

October 31, 2017 Defendants and third-party plaintiffs 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.

December 8, 2017 Third-party defendants shall identify its liability experts and serve liability expert reports, if any, by this date.

### **EXPERT DEPOSITIONS**

December 29, 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**

November 15, 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.

February 5, 2018 Trial Date. (*The December 4, 2017 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