

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

ROBERT & LOIS REID,

Plaintiff(s),

vs.

AO SMITH CORPORATION, et al

Defendant(s).

Docket No: L-11-11 (AS)

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 22, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Motley Rice	Vincent Greene	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Lynch Daskal Emery	Mark Wasef	Georgia Pacific
McElroy Deutsch	Michelle Hydrusko	Exxon Mobil Corp.
Smith Abbot	Mark Debrowski	Pneumo Abex
Speziali Greenwald	Michael Quinn	General Electric; Foster Wheeler

IT IS on this 25th day of June, 2012 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

August 31, 2012 Plaintiff shall serve answers to wrongful death interrogatories by this date.

July 13, 2012 New defendants shall serve answers to standard interrogatories by this date.

August 3, 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.

September 7, 2012 New defendants shall serve answers to supplemental interrogatories and document requests by this date.

August 3, 2012 New defendants shall propound supplemental interrogatories and document requests by this date.

September 7, 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

October 12, 2012 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.

November 9, 2012 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

December 14, 2012 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 11, 2013 New defendants shall file summary judgment motions limited to product identification issues no later than this date.

February 8, 2013 Last return date for product identification summary judgment motions filed by new defendants.

MEDICAL DEFENSE

September 28, 2012 Plaintiff shall serve additional medical expert reports, including wrongful death report, by this date.

September 28, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 1, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

March 1, 2013 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.

March 29, 2013 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

March 1, 2013 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.

March 29, 2013 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

April 19, 2013 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

April 3, 2013 @ 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.

May 13, 2013 Trial Date.

Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ann G. McCormick
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One