

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

JAMES & GWENDOLYN SEYMOURE,

*Plaintiff(s),*

vs.

AO SMITH WATER PRODUCTS, et al

*Defendant(s).*

Docket No: **L-3357-12 (AS)**

Civil Action

**CASE MANAGEMENT ORDER II**

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz,  
on January 4, 2013 and the following firms appearing:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Phillips	Leah Kagan	Plaintiff(s)
Bonner Kiernan	Robert Ball	Mitsui
Budd Lerner	Philip Anderson	Goodyear Tire & Rubber
Caruso Smith	Stacey Lee Trien	CertainTeed; Union Carbide
Forman Perry	Thomas M. Toman Jr.	International Paper
Gibbons PC	Mark Galdieri	Honeywell / Bendix
Goldberg Segalla	Bonnie Hanlon	Ryader
Goldfein & Joseph	Gary Every	ACL / Bell
Harwood Lloyd	John W. McDermott	Carlisle
Hoagland Longo	Katherine Blok	Borg Warner
LeClair Ryan	Michael Goldklang	Ford Motor Co.
Margolis Edelstein	Ryan M. Kooi	Central Jersey Supply; BF Goodrich
Marshall Dennehey	Paul Johnson	Kaiser Gypsum
McCarter & English	Mitchell Kurtz	Fisher Scientific
McElroy Deutsch	Michelle Hydrusko	AO Smith; Lipe; Occidental
McElroy Deutsch	Denise Harris	Eaton
McGivney Kluger	Joel Clark	Hollingsworth & Vose
O'Toole Fernandez	Leslie Lombardy	Dana
Porzio Bromberg	Michelle Burke	Wyeth Holdings Corp.
Rawle & Henderson	Linda Dobbins	Mack Trucks
Wilbraham Lawler	Andrea S. Greco	Maremont
Wilson Elser	Gina Calabria	McCord Corp.

IT IS on this 22<sup>nd</sup> day of **January, 2013** 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**

April 30, 2013 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.

May 17, 2013 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

April 17, 2013 The settlement conference previously scheduled on this date is **CANCELLED**.

May 24, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

May 24, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

June 21, 2013 Last return date for product identification summary judgment motions.

**OTHER MOTIONS**

June 14, 2013 Filing date.

July 12, 2013 Return date.

**MEDICAL DEFENSE**

February 15, 2013 Plaintiff shall serve additional medical expert reports by this date.

February 15, 2013 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 14, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

June 21, 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.

July 26, 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.

### **EXPERT DEPOSITIONS**

August 12, 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**

July 17, 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.

August 26, 2013            Trial Date. (*The June 10, 2013 trial is adjourned to this date.*)

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

*/s/ Vincent Le Blon*  
VINCENT LE BLON, J.S.C.

cc:        Clerk, Mass Tort  
          Brody Deposition Services  
          Priority One