

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 III**

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on May 2, 2013 and the following firms appearing:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Phillips	Moshe Maimon	Plaintiff(s)
Archer & Greiner	William O'Kane	Bridgestone Firestone
Bonner Kiernan	Robert Ball	Mitsui
Budd Lerner	Katie Potter	Goodyear Tire & Rubber
Caruso Smith	Richard Picini	CertainTeed; Union Carbide
Gibbons PC	Ethan Stein	Honeywell / Bendix
Goldberg Segalla	Bonnie Hanlon	Ryder
Goldfein & Joseph	Madhurika Jeremiah	ACL / Bell
Harwood Lloyd	Victoria Silva	Carlisle
Hoagland Longo	Steven Satz	Borg Warner
LeClair Ryan	Kevin Hickman	Ford Motor Co.
Margolis Edelstein	Ashley Mollenthiel	Central Jersey Supply; BF Goodrich
Marshall Dennehey	Ashley Toth	Kaiser Gypsum
McCarter & English	John C. Garde	Fisher Scientific
McElroy Deutsch	Joseph Rasnek	AO Smith Water Products; Lipe Automation Corp.; Occidental Chemical Corp.
McGivney Kluger	Joel Clark	Hollingsworth & Vose
O'Toole Fernandez	Leslie Lombardy	Dana
Porzio Bromberg	Michelle Burke	Wyeth Holdings Corp.
Rawle & Henderson		Mack Trucks
Segal McCambridge	Lindsey Tylos Foster	PACCAR
Smith Abbot	Roy Viola	Abex
Wilbraham Lawler	Andrea Greco	Maremont
Wilson Elser	Joseph A. Gallo	McCord Corp.

IT IS on this 7<sup>th</sup> day of May, 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**

May 10, 2013 Defendants Borg Warner, Ford, Kaiser, Union Carbide, Mack, Pacor, and Ryder shall provide 2 possible dates for corporate representative depositions by this date.

June 10, 2013 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

June 17, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

June 14, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

July 12, 2013 Last return date for product identification summary judgment motions.

**OTHER MOTIONS**

June 14, 2013 Filing date.

July 12, 2013 Return date.

**MEDICAL DEFENSE**

July 12, 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