

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

Docket No: **L-2115-17 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

LARRABEE SMITH,  vs.  AIR & LIQUID SYSTEMS CORP., et al	<i>Plaintiff(s),</i>    <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 24, 2017:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Clay Thompson	Plaintiff(s)
Caruso Smith	Richard Picini	CertainTeed; Union Carbide
Clemente Mueller	Matthew Mueller	William Powell Co.
Cullen & Dykman LLP	John J. Burbridge	Goulds Pumps; Howden North American Inc.
Gibbons PC	Mark R. Galdieri	Yuba Heat Transfer
Gibbons PC	Ethan Stein	Honeywell International
Hughes Hubbard	Suzanne Teeven	RJ Reynolds Tobacco Co.
Jones Law Office	Richard V. Jones	Metropolitan Life
Leader & Berkon	Joseph Fontak	IMO Indu.; Spirax Sarco
Lynch Daskal	David Freed	Georgia Pacific
Margolis Edelstein	Lawrence Bunis	Alpha Wire; Belden Wire & Cable
Marshall Dennehey	Christopher Block	RSCC Wire & Cable; American Insulated Wire; Pep Boys
McElroy Deutsch	Donna Gardiner	Eaton; Rockwell
Pascarella DiVita	Joshua Greeley	Trane US, Inc.; Ingersoll Rand; Crane Co.; General Cable Corp.
Porzio Bromberg	Michelle Burke	Alcatel Lucent USA, Inc.
Reilly Janiczek	Ryan A. Notorangelo	Aurora Pump; Cleaver Brooks
Tanenbaum Keale	Christopher Keale	Borg Warner; CBS; General Electric
Vasios Kelly	Brooke Anderson	Armstrong International

IT IS on this 26<sup>th</sup> day of May, 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**

- June 2, 2017 Defendants shall serve answers to standard interrogatories by this date.
- June 9, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 14, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 9, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 14, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 15, 2017 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.
- August 15, 2017 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- October 13, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- August 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 1, 2017 Summary judgment motions shall be filed no later than this date.
- September 29, 2017 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- September 1, 2017 Plaintiff shall serve medical expert reports by this date.
- August 1, 2017 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, 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**

- September 1, 2017 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, 2017 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**

November 17, 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 16, 2017 @ 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 4, 2017                      Pretrial Information Exchange submissions due.

December 11, 2017                      Trial-Ready 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