

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

Docket No: **L-5619-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

MICHAEL & DENISE LYKOSH, <i>Plaintiff(s),</i>
vs.
AO SMITH CORPORATION, et al <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on October 28, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
Carroll McNulty	Michael A. Moroney	Spirax Sarco; Pro Build
Caruso Smith Picini	Lisa Massimi	Union Carbide; CertainTeed
Forman Watkins	Thomas Toman, Jr.	Cooper Industries
Hardin Kundla	Cynthia Lee	Bak-A-Lum
Hoagland Longo	Steven F. Satz	Goulds Pumps
Lebowitz Oleske	Matthew Connahan	Allied Building Products Co.
Margolis Edelstein	Jeanine D. Clark	Alpha Wire; URS E&C
Marshall Dennehey	Paul Johnson	Jaeger Lumber
McElroy Deutsch	Joseph D. Rasnek	Samson Electric
McGivney Kluger	Caitlin Christie	Madsen & Howell; WW Henry; Killark; Lincoln Electric; Graco; Graybar; SM Electric
Rawle & Henderson	Susan Riecholsen	American Biltrite
Reilly Janiczek	Matthew Franson	Magnatrol
Sedgwick LLP	Bridget Polloway	CBS/ Westinghouse
Segal McCambridge	Stephanie DeVos	Cooper Electric
Swain & Westreich	Kenneth Westreich	Amboy Lighting
Swartz Campbell	Gregory Stokes	Circle Lighting
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International; Bird, Inc.
Wilbraham Lawler	Anisha Abraham	Karnak Corp.

IT IS on this 4<sup>th</sup> day of November, 2015, *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**

- December 31, 2015 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- December 4, 2015 Defendants shall serve answers to standard interrogatories by this date.
- January 29, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- February 29, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- January 29, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- February 29, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- June 30, 2016 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.
- July 29, 2016 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- October 14, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- August 19, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 2, 2016 Summary judgment motions shall be filed no later than this date.
- September 30, 2016 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- August 5, 2016 Plaintiff shall serve medical expert reports by this date.
- August 5, 2016 **Upon request by defense counsel**, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- November 4, 2016 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**

- November 4, 2016 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.
- December 23, 2016 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**

- November 4, 2016 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.
- December 23, 2016 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**

- January 13, 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**

- December 14, 2016 @ 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.
- January 30, 2017 Trial 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