

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

**Docket No: L-829-14 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER IV**

<p>LOUIS &amp; ANN PAIGE,</p> <p style="text-align: center;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>AO SMITH WATER PRODUCTS, et al</p> <p style="text-align: center;"><i>Defendant(s).</i></p>
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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 12, 2015:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Keven Friedman	Plaintiff(s)
Bucca & Campisano	Benjamin Bucca Jr.	IMO
Carroll McNulty	Joshua Wirtshafer	Copes Vulcan; Clark Reliance; Spirax Sarco
Caruso Smith	Lisa Massimi	Union Carbide; CertainTeed
Clemente Mueller	Jessie Christine Basner	Powell
Gibbons PC	Ethan Stein	Honeywell
Hoagland Longo	Daniel Kuzmerski	York; Goulds Pumps; Frick
Kelley Jasons	Jason Scheets	FMC; Square D
Kent McBride	Ravi Shah	Alfa Laval
Langsam Stevens	Lauren Shrebel	Zy-Tech
Margolis Edelstein	J. Edmind Bryak	John Crane; Goodrich
Marshall Dennehey	Doughlas Suplee	Riley Stoker; Warren Pumps
Mayfield Turner	Zoe Elfenbein	Carrier Corp.
McElroy Deutsch	Gabriel Ferstendig	AO Smith Water Products; Flowserve US Inc., as successor to Rockwell; Burnham
McGivney Kluger	Thomas McNulty Caitlin Christie	Falk; Hopeman Brothers; Weil-McLain; Fairbanks; Nash; Zurn; Taco; Atwood & Morrill
Pascarella DiVita	Madelyn Iulo	Trane US Inc.
Reilly Janiczek	Edward Henry	Cleaver Brooks
Sedgwick	Christopher Keale	Borg Warner
Segal McCambridge	Ted Eder	BW/IP, Inc.
Vasios Kelly Strollo	Thomas J. Kelly, Jr.	Bird, Inc.; Armstrong International Inc.
Wilbraham Lawler	Elizabeth deBerardinis	Greene Tweed

IT IS on this 18<sup>th</sup> day of May, 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*.

### **DISCOVERY**

August 31, 2015 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.

September 30, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

October 9, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

October 23, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 6, 2015 Summary judgment motions shall be filed no later than this date.

December 4, 2015 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

January 15, 2016 Defendants shall identify its medical experts and serve medical expert 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.**

February 15, 2016 Plaintiff shall serve a rebuttal expert medical report, if any, by this date.

### **LIABILITY EXPERT REPORTS**

January 15, 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.

February 15, 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.

### **EXPERT DEPOSITIONS**

February 29, 2016 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**

February 23, 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.

March 14, 2016 Trial Date. (*The June 8, 2015 trial is adjourned to this 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  
Brody Deposition Services  
Priority One