

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

**Docket No:** L-6918-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

MICHAEL & VICTORIA JUNG, <i>Plaintiff(s),</i>
vs.
BEAZER EAST INC., 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 June 24, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Picini	Alexandra Caruso	Union Carbide
Gibbons	Mark R. Galdieri	Honeywell International Inc.
Kent McBride	Theresa Mullaney	Ferro
LeClair Ryan	John Soltesz	Ford
Lewis Brisbois	Jesse D. Rogers	Henkel
McCarter & English	John C. Garde	Scotts Co.
McGivney Kluger	Thomas McNulty	Brand Insulation Inc.
Salmon Ricchezza	Justin Callaway	Beazer East Inc.
Sedgwick LLP	Cynthia Cho	Borg Warner; United Steel Corp.

IT IS on this 1<sup>st</sup> day of July, 2016, 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**

September 15, 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.

September 15, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 4, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 16, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 30, 2016 Summary judgment motions shall be filed no later than this date.

October 28, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

August 15, 2016 Plaintiff shall serve medical expert reports by this date.

August 15, 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 30, 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**

October 17, 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.

November 30, 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.

### **ECONOMIST EXPERT REPORTS**

October 17, 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.

November 30, 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**

December 23, 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**

October 7, 2016                    The settlement conference previously scheduled on this date is **cancelled**.

December 7, 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 4, 2017 @ 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.

10 business days prior to trial   Pretrial Information Exchange Form due.

January 30, 2017                    **Trial-Ready** Date. *(The November 7, 2016 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