

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

Docket No: **L-2857-16 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

SHARLENE & MATTHEW RASCO, <i>Plaintiff(s),</i>
vs.
BRENTAG NORTH AMERICA, 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 January 5, 2017:

FIRM	ATTORNEY	CLIENT
Simon Greenstone	Leah Kagan Jordan Blumenfeld-James	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
Archer & Greiner	William O’Kane, Jr.	Fuller Industries
Hoagland Longo	Daniel Kuzmerski	Whittaker Clark & Daniels
McGivney Kluger	Jeffrey Kluger	Victory Park Capital Advisors
O’Toole Fernandez	Gary Van Lieu	Colgate Palmolive
Rawle & Henderson	Jamie Augustinsky	Cyprus
Vedder Price	Marc Schlesinger	Enesco LLC

IT IS on this 9th day of **January, 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.

DISCOVERY

- January 31, 2017 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- March 3, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 3, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- March 3, 2017 Deposition of corporate representative of Victory Park Capital Advisors and Enesco shall be completed by this date.
- May 5, 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.
- May 5, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

May 26, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

May 26, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 9, 2017 Summary judgment motions shall be filed no later than this date.

July 7, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

March 3, 2017 Plaintiff shall serve executed medical authorizations by this date.

May 5, 2017 Plaintiff shall serve medical expert reports by this date.

May 5, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 1, 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

July 7, 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.

September 1, 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

July 7, 2017 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.

September 1, 2017 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

September 29, 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

September 8, 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.

October 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