

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

JOHN MILLER,

*Plaintiff(s),*

vs.

AW CHESTERTON CO., et al

*Defendant(s).*

Docket No: **L-1173-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on December 19, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Motley Rice	Alex Straus	Plaintiff(s)
Baginski Mezzanotte	Kurt Trinter	Viking Pump
Bucca & Campisano	Benjamin Bucca Jr.	IMO
Budd Lerner	Terence Camp	Ericcson, Inc.
Caruso Smith	Stacey Lee Trien	Amchem; Union Carbide
Drinker Biddle	Vincent Montalto	Neles-Jamesbury, Inc.
Ecekert Seamans	Veronica Nelson	Ford
Forman Perry	Nicole Diesa	Trane US, Inc.; Ingersoll-Rand
Gibbons	Ahmed Kassim	Bendix; Honeywell
Hack Piro	Robert Alencewicz	HB Smith
Hoagland Longo	Katherine Blok	Goulds Pumps; Borg Warner
Kantrowitz & Phillippi	Maribeth B. Wechsler	Lear Siegler
Kelley Jasons	Joseph Vassalotti	Carver Pump / FMC
Margolis Edelstein	Alexis Walter	Goodrich; John Crane
Marks O'Neill	Matthew A. Wachstein	Superior Boiler Works
Maron Marvel	Meryl Topchik	Industrial Holdings Corp.
Marshall Dennehey	Christopher Block	Cashco, Inc.
Marshall Dennehey	Jessica Wachstein	Riley Power, Inc.
McCarter & English	Mitchell Kurtz	Automatic Switch
McElroy Deutsch	Michelle Hydrusko	Flowserve
McGivney Kluger	Joel Clark	Core Ind.; Nash; Weil McLain; Zurn; Watts; Gorman Rupp
McGivney Kluger	Caitlin Christie	Gardner Denver; Durioron; DC Fabricators; Oakfabco
Morgan Lewis	Christopher Iannicelli	Elliott Co.; Yarway
O'Toole Fernandez	Michael Garcia	Clark Reliance; Dana
Reilly Janiczek	Steve Jenks Jr.	Aurora; Cleaver; Crown Boiler; Eaton; Cornell
Salmon Ricchezza	Michele Weckerly	Beazer East

Smith Abbot	Edward P. Abbot	Pneumo Abex
Speziali Greenwald	Joanne Hawkins	General Electric; CBS; Foster Wheeler
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International Inc.
Weber Gallagher	Michael Moroney	Copes Vulcan; Spirax Sarco
Wilbraham Lawler	Andrea Greco	Maremont; Greene Tweed; Buffalo Pumps
Wilson Elser	Gina Calabria	Warren Pumps

IT IS on this **18<sup>th</sup>** day of **December, 2012** *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, 2013      Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- February 8, 2013      Defendants shall serve answers to standard interrogatories by this date.
- February 22, 2013      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 22, 2013      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- February 22, 2013      Defendants shall propound supplemental interrogatories and document requests by this date.
- March 22, 2013      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- April 30, 2013      Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.
- May 17, 2013      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 17, 2013      Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- April 3, 2013      The settlement conference previously scheduled on this date is **CANCELLED**.

May 24, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 14, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

July 12, 2013 Last return date for product identification summary judgment motions.

### **OTHER MOTIONS**

June 28, 2013 Filing date.

July 26, 2013 Return date.

### **MEDICAL DEFENSE**

January 31, 2013 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

February 22, 2013 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

February 28, 2013 Plaintiff shall serve additional medical expert reports by this date.

April 30, 2013 The defense medical examination of plaintiff(s) shall be completed by this date.

August 9, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

June 28, 2013 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.

July 31, 2013 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**

June 28, 2013 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.

July 31, 2013

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**

August 16, 2013

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**

August 2, 2013 @ 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.

August 26, 2013

Trial Date. (*The May 13, 2013 trial is adjourned to this date.*)

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Vincent Le Blon*  
VINCENT LE BLON, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One