

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

“LOCAL 475 STEAMFITTERS”

DAY L-7582-15  
KOCH L-2117-17

**Civil Action**

**CASE MANAGEMENT ORDER V**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 24, 2019:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
Connell Foley	Scott Press	August Arace; Frank A. McBride; Lawton & Burns
Hack Piro	Christian Corro	Johansen
Hoagland Longo	Ibrahim Kosoko	Airgas, individually a/s/f Jersey Welding Supply
Landman Corsi	Colin P. Be	Acme Plastering
Margolis Edelstein	Nicholas Sulpizio	URS Energy & Construction; Woolsulate
McGivney Kluger	Thomas McNulty	Binsky & Snyder; Flowserve
Pascarella DiVita	Stephanie DiVita	Ingersoll Rand; Crane Co.
Styliades Mezzanotte	Bernadette Styliades	Sherman & Chaplin
Tanenbaum Keale	Arshia Hourizadeh	CBS Corp.

IT IS on this 24<sup>th</sup> day of April 2019, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

**DISCOVERY**

May 31, 2019

Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 30, 2019 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.

September 30, 2019 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, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

October 11, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

December 16, 2019 The defense medical examination of plaintiff(s) shall be completed by this date.

February 28, 2020 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**

January 17, 2020 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.

February 28, 2020 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

October 11, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 25, 2019 Summary judgment motions shall be filed no later than this date.

November 22, 2019 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

March 27, 2020 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**

June 14, 2019 The settlement conference previously scheduled on this date is **cancelled**.

March 5, 2020 @ 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

April 13, 2020 Trial Date. (*The October 7, 2019 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

VACATED