

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

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| JAMES MELITSKI,<br><br><i>Plaintiff(s),</i><br><br>vs.<br><br>ASBESTOS CORP. LTD., et al<br><br><i>Defendant(s).</i> |
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Docket No: **L-7991-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 13, 2014:

| FIRM                      | ATTORNEY  | CLIENT                      |
|---------------------------|---|-----------------------------|
| Wilentz Goldman & Spitzer | Angelo Cifaldi<br>Philip Tortoreti<br>Vincent Cheng | Plaintiff(s)                |
| Chase Kurshan Herzfeld    | Patrick Florentino                                  | Volkswagen Group of America |
| Gibbons                   | Ahmed Kassim  | Honeywell                   |
| Goldfein & Joseph         | Madhurika Jeremiah                                  | ACL; Bell                   |
| Hoagland Longo            | Marc S. Gaffrey                                     | Thul Auto Parts             |
| Jones Law Office          | Mark McMenamy                                       | Metropolitan Life           |
| LeClair Ryan              | Michael Goldklang                                   | Ford                        |
| McCarter & English        | John Garde  | Fisher Scientific           |

IT IS on this 17<sup>th</sup> day of March, 2014 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**

June 20, 2014            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.

August 22, 2014        Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

April 17, 2014            The settlement conference previously scheduled on this date is **cancelled**.

May 16, 2014            The settlement conference previously scheduled on this date is **cancelled**.

August 29, 2014        Settlement demands shall be served on all counsel and the Special Master by this date.

September 16, 2014 @ 10:00am    Early 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 26, 2014    Summary judgment motions limited to product identification issues shall be filed no later than this date.

October 24, 2014        Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

May 16, 2014            Plaintiff shall serve medical expert reports by this date.

May 16, 2014            Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 28, 2014    Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

October 1, 2014        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 28, 2014    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 1, 2014        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 28, 2014    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 19, 2014      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**

December 17, 2014 @ 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 5, 2015                      Trial Date. *(The May 27, 2014 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