

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

Docket No: **L-1332-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

ESTATE of SAMUEL PELLOT, <i>Plaintiff(s),</i>
vs.
AIR & LIQUID SYSTEMS CORP., 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 September 27, 2016:

FIRM	ATTORNEY	CLIENT
Belluck & Fox	William Papain	Plaintiff(s)
Breuninger & Fellman	Kathleen Ramalho	Genuine Parts, NAPA
Caruso Smith	Marcia DePolo	CertainTeed, Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Goldfein & Joseph	Willard Preston	Domco Products Texas
Hoagland Longo	Jillian Madison	York International
Kelley Jasons	Angela Caliendo	FMC
Langsam Stevens	Robert Stickley	Zy-Tech
Leader & Berkon	Christin Bucca	IMO, Spirax Sarco, Electrolux Home Products, Clark Reliance Corp., solely as an alleged successor to Jergusen Gage & Valve
Lebowitz Oleski	Matthew Connahan	Spence Engineering Co.
Maron Marvel	Carolyn Williams	Keller Dorr Oliver
Marshall Dennehey	Paul Johnson	Pep Boys; Kaiser Gypsum; Riley Stoker
Mayfield Turner	Sara Saltsman	Carrier Corp.
McElroy Deutsch	Joseph D. Rasnek	Flowserve US Inc.
McGivney Kluger	Kevin Hoffman	Harper Electric Furnace, Sheldon-Drullard
McGivney Kluger	Joel Clark	DAP, Gardner Denver
O'Toole Fernandez	Gary Van Lieu	Clark Reliance
Pascarelle DiVita	Inge Cully	Crane Co.
Rawle & Henderson	Jamie L. Augustinsky	Met-Pro, API
Reilly Janiczek	Christine Biggiano	Cleaver Brooks; Aurora
Sedgwick LLP	Maryam Meseha	Borg Warner, CBS/Westinghouse, Foster Wheeler
Segal McCambridge	Stephanie DeVos	BW/IP, Mannington Mills
Vasios Kelly Strollo	Thomas J. Kelly, Jr.	Bird; Armstrong International
Wilbraham Lawler	Tristin Fabro	Maremont, Air & Liquid Systems

IT IS on this 28<sup>th</sup> day of **September, 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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

### **DISCOVERY**

- October 7, 2016 Defendants shall serve answers to standard interrogatories by this date.
- October 21, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 23, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 21, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- November 23, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- January 31, 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.
- January 31, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- April 28, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- February 17, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 3, 2017 Summary judgment motions shall be filed no later than this date.
- March 31, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- February 28, 2017 Plaintiff shall serve medical expert reports by this date.
- February 28, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 28, 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**

February 28, 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.

April 28, 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**

February 28, 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.

April 28, 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**

May 26, 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**

June 1, 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.

June 26, 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