

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

**Docket No:** L-905-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER IV**

ESTATE of EDWARD PROUD, <i>Plaintiff(s),</i>
vs.
AW CHESTERTON CO., 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 18, 2018:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Locks Law Firm	Alfred Anthony	Plaintiff(s)
Caruso Smith	Thomas M. Rogers	Union Carbide
Clyde & Co.	Kevin Turbert	Burnham LLC
Delany McBride	Brian Bently	Peerless Heater Corp.
Hack Piro	Robert Alencewicz	HB Smith
Jones Law Office	Richard V. Jones	Metropolitan Life
Kelley Jasons	Angela Caliendo	FMC Corp.
Landman Corsi	Gregory Damico	ECR International
Lewis Brisbois	Kathleen Trabold	Henkel
Marks O'Neill	Paul Smyth	Columbia Boiler
Marshall Dennehey	Paul Johnson	Warren Pumps
McGivney Kluger	Thomas McNulty	Weil McLain; Durametallic; Ace Plumbing; DAP; La-Co Ind.
McGivney Kluger	Jeffrey Kluger	True Valve
Pascarella DiVita	Bradley E. Bishop	Rheem Mfg
Rawle Henderson	Sebastian Goldstein	Hajoca
Reilly McDevitt	Karen Conte	Crown Boiler, Swains Hardware; Cleaver Brooks

IT IS on this 18<sup>th</sup> day of **September, 2018**, *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**

- November 16, 2018 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.
- November 16, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

December 7, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

December 7, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

December 28, 2018 Summary judgment motions shall be filed no later than this date.

January 25, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

November 16, 2018 Plaintiff shall serve medical expert reports by this date.

March 15, 2019 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**

November 16, 2018 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.

March 15, 2019 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**

November 16, 2018 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.

March 15, 2019 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**

April 12, 2019 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**

January 18, 2019 The settlement conference previously scheduled on this date is **cancelled**.

April 24, 2019 @ 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.

May 13, 2019

Trial Date. (*The February 25, 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