

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

SHEETMETAL II

KOECHER /Bell L-7390-15
CAROLAN L-5027-16

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 29, 2016:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William Kuzmin	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Connell Foley	Scott Press	August Arace; Frank McBride Co.; Superior Welding Supply Co.
Delany McBride	Ariana Seidel	Ductmate
Fox Rothschild	Michael Twersky	Merck
Garrity Graham	Stephen Balsamo	Damon G. Douglas
Gibbons PC	Ahmed J. Kassim	AT&T Corp.; Alcatel-Lucent
Gibbons PC	Robert Brown	Hoffman La-Roche, Inc.
Hawkins Parnell	Roy Viola	CNA Holdings / Celanese
Lavin O'Neil	Catherine Brunermer	3M Company
Lynch Daskal	Andrew Mundo	Georgia Pacific
Margolis Edelstein	Justin M. Bettis	Central Jersey Supply; Passaic Metal Products; Woolsulate
Marks O'Neill	Paul Smyth	Superior Boiler Works; Honeywell
Maron Marvel	Carolyn Williams	Industrial Holdings Corp.
McElroy Deutsch	Joseph D. Rasnek	Pfizer; Pabst; ExxonMobil
McGivney Kluger	Joel Clark	Duro Dyne; DAP; Raritan Supply
McGivney Kluger	Caitlin Christie	Federated Dept. Stores; S. Franklin & Sons; Armistead; RCH New Co.; Ameron; TJ McGlone
Morgan Melhuish	Deborah Banfield	Novartis
O'Toole Fernandez	Gary Van Lieu	Avocet
Porzio Bromberg	Pamela Kaplan	Cytec Industries Inc.
Tierney Law Offices	Brian Garbacz	Elizabeth Industrial Supply
Wilbraham Lawler	Kelly Skinner	Karnak

IT IS on this 3rd day of **October, 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.

These matters are hereby consolidated for discovery, case management and trial.

Case Management Order I as to Koecher is hereby vacated.

DISCOVERY

- October 14, 2016 As to Carolan, defendants shall serve answers to standard interrogatories by this date.
- October 21, 2016 As to Carolan, plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 21, 2016 As to Carolan, defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 21, 2016 As to Carolan, defendants shall propound supplemental interrogatories and document requests by this date.
- November 21, 2016 As to Carolan, plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 30, 2016 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

- February 10, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

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

MEDICAL DEFENSE

- October 31, 2016 Plaintiff shall serve medical expert reports by this date.
- October 31, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 7, 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 15, 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 7, 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 15, 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 7, 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

April 28, 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

May 2, 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.

10 business days prior to trial Pretrial Information Exchange Form due.

May 30, 2017 (*Tuesday*) **Trial-Ready** 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