

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

Docket No: L-6196-16 (AS)

Civil Action

CASE MANAGEMENT ORDER I

| | |
|--|--|
| ESTATE of LEROY VARI, vs. CHICAGO BRIDGE & IRON CO., et al | <i>Plaintiff(s),</i> <i>Defendant(s).</i> |
|--|--|

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 23, 2018:

| FIRM | ATTORNEY | CLIENT |
|-------------------------|--------------------------|-----------------------|
| Cohen Placitella & Roth | Rachel Placitella | Plaintiff(s) |
| McGivney Kluger | Caitlin Bodtmann | Madsen & Howell |
| Ricci Tyrrell | Nancy Green | Chicago Bridge & Iron |
| Tanenbaum Keale | Robert M. Gilmartin, Jr. | Foster Wheeler |
| Wilson Elser | Joseph Hanlon | Chevron |

IT IS on this 4th day of June, 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.

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

- July 20, 2018 Plaintiff shall serve answers to standard interrogatories.
- July 20, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- July 31, 2018 Defendants shall serve answers to standard interrogatories by this date.
- August 17, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- September 28, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- August 17, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- September 28, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

October 31, 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.

October 31, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

March 1, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 4, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 18, 2019 Summary judgment motions shall be filed no later than this date.

February 15, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

July 20, 2018 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

July 20, 2018 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

November 30, 2018 Plaintiff shall serve medical expert reports by this date.

March 29, 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 30, 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 29, 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.

EXPERT DEPOSITIONS

April 26, 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

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. **(Please note date change from date given at the conference.)**

May 20, 2019

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