

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

Docket No: L-3453-16 (AS)

Civil Action

CASE MANAGEMENT ORDER II

THEODORE & JOYCE ABBOTT, <i>Plaintiff(s),</i>
vs.
AMERICAN BILTRITE, 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 October 25, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph Mandia	Plaintiff(s)
Caruso Smith	Stacey Lee Trien	Union Carbide
Rawle & Henderson	John McMeekin	Cyprus Amax Minerals Co.; Imerys Talc America, Inc.
Styliades Mezzanotte	Patricia Lyons	HM Royal Inc.

IT IS on this 26th 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.

DISCOVERY

November 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.

November 30, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

January 27, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

December 9, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

December 23, 2016 Summary judgment motions shall be filed no later than this date.

January 20, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

December 15, 2016 Plaintiff shall serve medical expert reports by this date.

February 15, 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

December 15, 2016 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.

February 15, 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

December 15, 2016 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.

February 15, 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

March 10, 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

February 7, 2017 The settlement conference previously scheduled on this date is **cancelled**.

March 9, 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.

April 10, 2017 **Trial-Ready Date.** (*The February 27, 2017 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