

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

**Docket No: L-6928-15 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

|                                |                      |
|--------------------------------|----------------------|
| DUANE ARETZ,                   | <i>Plaintiff(s),</i> |
| vs.                            |                      |
| HONEYWELL INTERNATIONAL, 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 *February 2, 2016*:

| <b>FIRM</b>               | <b>ATTORNEY</b>     | <b>CLIENT</b>                         |
|---------------------------|---------------------|---------------------------------------|
| Shivers Gosnay & Greatrex | Donald Gosnay       | Plaintiff(s)                          |
| Caruso Smith              | Marcia DePolo       | CertainTeed                           |
| Eckert Seamans            | Sarabeth Gaver      | AO Smith                              |
| Gibbons PC                | Robert Brown        | Honeywell International               |
| Hack Piro                 | Robert Alencewicz   | HB Smith                              |
| Hoagland Longo            | Steven F. Satz      | Goulds Pumps; Kohler                  |
| Kent McBride              | Ravi Shah           | Alfa Laval                            |
| Lavin O'Neil              | Catherine Brunermer | 3M Company                            |
| McGivney Kluger           | Marc J. Wisel       | Weil McLain                           |
| McGowan Law Office        | John S. McGowan     | Sears                                 |
| O'Toole Fernandez         | Max Sverdlove       | Peerless                              |
| Pascarella DiVita         | Joshua Greeley      | Trane US, Inc.; Rheem; Ingersoll Rand |
| Reilly Janiczek           | Edward Henry        | Cleaver Brooks                        |
| Sedgwick                  | Bridget Polloway    | Borg Warner                           |
| Segal McCambridge         | Theodore Eder       | BW/IP Inc.                            |
| Speziali Greenwald        | Joanne Hawkins      | General Electric                      |

IT IS on this 3<sup>rd</sup> day of **February, 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**

March 18, 2016            Plaintiff shall serve answers to wrongful death interrogatories by this date.

February 29, 2016        Defendants shall serve answers to standard interrogatories by this date.

March 31, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.

April 29, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

March 31, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

April 29, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

August 31, 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.

October 31, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 11, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

November 4, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 18, 2016 Summary judgment motions shall be filed no later than this date.

December 16, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

February 29, 2016 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

March 31, 2016 Plaintiff shall serve executed medical authorizations by this date.

May 31, 2016 Plaintiff shall serve medical expert reports by this date.

May 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.

February 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**

January 16, 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.

February 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**

- January 16, 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.
- February 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**

- March 17, 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 22, 2017 @ 1:30pm      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.
- March 27, 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