

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

Docket No: L-8138-10 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ESTATE OF JOSEPH ATAMANIUK,
<i>Plaintiff(s),</i>
vs.
AARON & CO., INC., et al
<i>Defendant(s).</i>

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on May 6, 2011 and the following firms appearing:

Keefe Bartels	Jennifer Harwood, Esq.	Plaintiff(s)
Goldfein & Joseph	Madhurika Jeremiah, Esq.	ACL; Bell
Hardin Kundla	Ann Mader McKeon, Esq.	Aaron Co., Inc.
Hoagland Longo	Cristyn D. Clifton, Esq.	Goulds Pumps
Jones Law Office	Richard V. Jones, Esq.	Metropolitan Life
Segal McCambridge	Mia Folger, Esq.	Stryker Paint

IT IS on this 20th day of May, 2011 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 plaintiffs' 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 15, 2011 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- August 19, 2011 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- July 29, 2011 Defendants shall serve answers to standard interrogatories by this date.
- August 12, 2011 Plaintiff shall propound supplemental interrogatories and document requests by this date.

September 9, 2011 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

August 12, 2011 Defendants shall propound supplemental interrogatories and document requests by this date.

September 9, 2011 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

October 31, 2011 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, 2011 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

November 7, 2011 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

November 18, 2011 Summary judgment motions limited to product identification issues shall be filed no later than this date.

December 16, 2011 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

August 19, 2011 Plaintiff shall serve executed medical authorizations by this date.

July 29, 2011 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

July 15, 2011 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

July 29, 2011 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

November 4, 2011 Plaintiff shall serve additional medical expert reports by this date.

November 4, 2011 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 6, 2012 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

December 2, 2011 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.

January 6, 2012 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 2, 2011 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.

January 6, 2012 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

January 31, 2012 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 1, 2012 @ 10:00am Final 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.

February 27, 2012 Trial Date.

Plaintiff’s counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ann G. McCormick
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One