

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

ESTATE OF JOSEPH ATAMANIUK,

*Plaintiff(s),*

vs.

AARON & CO., INC., et al

*Defendant(s).*

**Docket No: L-8138-10 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on February 28, 2012 and the following firms appearing:

| FIRM              | ATTORNEY         | CLIENT              |
|-------------------|------------------|---------------------|
| Keefe Bartels     | Jennifer Harwood | Plaintiff(s)        |
| Hardin Kundla     | John Grillo      | Aaron Co., Inc.     |
| Hoagland Longo    | Carl Figueroa    | Goulds Pumps        |
| Maron Marvel      | Meryl Topchik    | Industrial Holdings |
| Segal McCambridge | Mia Folger       | Stryker Paint       |

IT IS on this 28<sup>th</sup> day of **February, 2012** 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**

- March 30, 2012 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.
- May 31, 2012 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- April 13, 2012 Defendants shall serve answers to standard interrogatories by this date.
- April 30, 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 31, 2012 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 30, 2012 Defendants shall propound supplemental interrogatories and document requests by this date.

May 31, 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

July 31, 2012 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.

August 31, 2012 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

September 7, 2012 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 28, 2012 Summary judgment motions limited to product identification issues shall be filed no later than this date.

October 26, 2012 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

June 15, 2012 Plaintiff shall serve executed medical authorizations by this date.

May 31, 2012 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

May 31, 2012 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 30, 2012 Plaintiff shall serve additional medical expert reports by this date.

November 30, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 11, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

November 30, 2012 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 13, 2013 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**

November 30, 2012 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 13, 2013 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, 2013 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**

December 6, 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 25, 2013 Trial Date.

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

*Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc: counsel:

Goldfein & Joseph (Defts. ACL; Bell)

cc: Clerk, Mass Tort

Brody Deposition Services

Priority One