

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

Docket No: L-4466-12 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ANNETTE BALESTRACCI (Estate of Salvatore CASTELLO), <i>Plaintiff(s),</i> vs. AMERICAN BILTRITE INC., et al <i>Defendant(s).</i>
--

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on July 8, 2013 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Napoli Bern	Steven Berman	Plaintiff(s)
Budd Larner	Phil Adelman	Goodyear Tire & Rubber Co.
Caruso Smith	Lisa Massimi	CertainTeed; Union Carbide
Forman Perry	Madelyn Iulo	Ingersoll Rand
Goldfein & Joseph	Willard Preston	Domco / Azrock
Lynch Daskal	Cynthia Cho	Georgia Pacific
Margolis Edelstein	Ryan M. Kooi	Goodrich Corp.
Marshall Dennehey	Lisa Only	Kaiser Gypsum
McGivney Kluger	Caitlin Christie	DAP
Rawle & Henderson	Meredith Mack	American Biltrite, Inc.
Vasios Kelly	Keith Platt	Bird, Inc.
Wilbraham Lawler	Mary Chicorelli	Karnak Corp.; Mannington Mills
Wilson Elser	Eric Evans	Conwed

IT IS on this 10th day of **July, 2013** *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

September 6, 2013 Plaintiff shall serve answers to wrongful death interrogatories by this date.

August 5, 2013 Supplemental / amended answers to interrogatories identifying fact witnesses shall be served by this date.

August 19, 2013 Defendants shall serve answers to standard interrogatories by this date.

September 6, 2013 Plaintiff shall propound supplemental interrogatories and document requests by this date.

October 4, 2013 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

September 6, 2013 Defendants shall propound supplemental interrogatories and document requests by this date.

October 4, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

November 29, 2013 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.

December 31, 2013 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

January 10, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 17, 2014 Summary judgment motions limited to product identification issues shall be filed no later than this date.

February 14, 2014 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

August 5, 2013 Plaintiff shall serve executed medical authorizations by this date.

September 6, 2013 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.

January 15, 2014 Plaintiff shall serve additional medical expert reports by this date.

January 15, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 14, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

March 14, 2014 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.

April 11, 2014 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

March 14, 2014 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.

April 11, 2014 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

April 25, 2014 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 8, 2014 @ 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.

May 5, 2014 Trial Date.

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

/s/ Vincent Le Blon
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One