

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

**Docket No: L-4466-12 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

ANNETTE BALESTRACCI (Estate of Salvatore CASTELLO),  <i>Plaintiff(s),</i>  vs.  AMERICAN BILTRITE INC., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *January 30, 2014*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Napoli Bern	Monica Habib Andrawis	Plaintiff(s)
Caruso Smith	Lisa Massimi	CertainTeed; Union Carbide
Goldfein & Joseph	Willard Preston	Domco / Azrock
Hawkins Parnell	Roy Viola	Kelly Moore
Lynch Daskal	Cynthia Cho	Georgia Pacific
Margolis Edelstein	Alex Latanision	Goodrich Corp.
Marshall Dennehey	Lisa Only	Kaiser Gypsum
McGivney Kluger	Joel Clark	DAP
Pascarella DeVita	Michael A. Posavetz	Ingersoll Rand
Segal McCambridge	Michael F. Gorman	Manninton Mills
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.
Wilbraham Lawler	Ashish Agrawal	Karnak Corp.; Mannington Mills
Wilson Elser	Bruce McCoy	Conwed

IT IS on this 10<sup>th</sup> day of **February, 2014** *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**

April 30, 2014                      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.

May 16, 2014                      Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- April 8, 2014**            **The settlement conference previously scheduled on this date is CANCELLED.**
- May 9, 2014            Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- June 13, 2014            Summary judgment motions limited to product identification issues shall be filed no later than this date.
- July 11, 2014            Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

- May 16, 2014            Plaintiff shall serve additional medical expert reports by this date.
- May 16, 2014            Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- August 15, 2014            Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

- July 18, 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.
- August 15, 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**

- July 18, 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.
- August 15, 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**

- August 29, 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**

August 13, 2014 @ 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.

September 15, 2014 Trial Date. (*The May 5, 2014 trial is adjourned to this 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: counsel:

Rawle & Henderson for American Biltrite

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One