

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

Docket No: L-4538-15 (AS)

Civil Action

CASE MANAGEMENT ORDER III

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|---|
| RUTH ELLEN CERKOWNUK (Estate of Nicholas Cerkownuk), <i>Plaintiff(s),</i> |
| vs. |
| BRAND INSULATIONS, 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 *July 11, 2018*:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|----------------------|------------------------------|
| Shivers Gosnay & Greatrex | Donald Gosnay | Plaintiff(s) |
| Caruso Smith | Nicholas Albano, III | CertainTeed |
| Gibbons PC | Ethan Stein | Honeywell International Inc. |
| Pascarella DiVita | Madelyn Iulo | Ingersoll Rand |
| Tanenbaum Keale | William T. Miedel | Foster Wheeler |

IT IS on this 12th day of July, 2018, *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

October 15, 2018 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 15, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

October 26, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

October 26, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 9, 2018 Summary judgment motions shall be filed no later than this date.

December 7, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

March 29, 2019 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 15, 2019 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.

March 29, 2019 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 15, 2019 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.

March 29, 2019 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 26, 2019 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

November 15, 2018 The settlement conference previously scheduled on this date is **cancelled**.

April 17, 2019 @ 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.

May 20, 2019 Trial Date. (*The December 17, 2018 trial is adjourned to this 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