

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

**Docket No: L-4014-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

JAMES & GEORGIA CROWLEY,
<i>Plaintiff(s),</i>
vs.
AW CHESTERTON, 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 May 12, 2015:

FIRM	ATTORNEY	CLIENT
Keefe Bartels	Jennifer Ruhl	Plaintiff(s)
Baginski Mezzanotte	Emily Fewell	HM Royal
Hardin Kundla	Nicea D'Annunzio	Calon Insulation
Marks O'Neill	Matthew A. Wachstein	JCP&L
Marshall Dennehey	Doug Suplee	Riley Power
McGivney Kluger	Joel Clark	Madsen & Howell
Reilly Janiczek	Edward Henry	Cleaver Brooks
Sedgwick	Christopher Keale	Foster Wheeler
Wilson Elser	Joseph Hanlon	Hess Corp.

IT IS on this 12<sup>th</sup> day of May, 2015, 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 plaintiff's 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**

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|-----------------|--|
| June 12, 2015   | Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.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. |
| June 26, 2015   | Defendants shall serve answers to standard interrogatories by this date.   |
| July 10, 2015   | Plaintiff shall propound supplemental interrogatories and document requests by this date.  |
| August 10, 2015 | Defendants shall serve answers to supplemental interrogatories and document requests by this date.   |

- July 10, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- August 10, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 30, 2015 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.
- October 30, 2015 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 30, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- November 6, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.
- December 16, 2015 @ 10:00am Early 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- October 23, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 6, 2015 Summary judgment motions shall be filed no later than this date.
- December 4, 2015 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- June 30, 2015 Defendants shall forward medical authorizations to plaintiff's counsel by this date.
- July 17, 2015 Plaintiff shall serve executed medical authorizations by this date.
- July 17, 2015 Plaintiff shall serve medical expert reports by this date.
- July 17, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- February 8, 2016 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 8, 2016 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.
- February 8, 2016 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.

## **EXPERT DEPOSITIONS**

- February 26, 2016 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 25, 2016 @ 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.
- March 14, 2016 Trial 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  
Brody Deposition Services  
Priority One