

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

**Docket No:** L-7000-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

PATRICIA CUPANO,  <i>Plaintiff(s),</i>
vs.
ASBESTOS CORPORATION LTD., 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 March 29, 2017:

FIRM	ATTORNEY	CLIENT
Keefe Law Firm	Jennifer Ruhl	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Calon Insulation
Jones Law Office	Richard V. Jones	Metropolitan Life
Margolis Edelstein	Jeanine D. Clark	Woolsulate
McGivney Kluger	Thomas McNulty	Raritan Supply; Leonard Buck Inc.
Styliades Mezzanotte	Patricia Lyons	HM Royal
Tierney Law Office	Brian Garbacz	Elizabeth Industrial

IT IS on this 30<sup>th</sup> day of March, 2017, *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 28, 2017      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.
- May 12, 2017      Defendants shall serve answers to standard interrogatories by this date.
- May 31, 2017      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- June 30, 2017      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- May 31, 2017      Defendants shall propound supplemental interrogatories and document requests by this date.
- June 30, 2017      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 30, 2017 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.

July 31, 2017 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 18, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 18, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

August 18, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 1, 2017 Summary judgment motions shall be filed no later than this date.

September 29, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 12, 2017 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

May 31, 2017 Plaintiff shall serve executed medical authorizations by this date.

August 31, 2017 Plaintiff shall serve medical expert reports by this date.

August 31, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 15, 2017 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**

October 31, 2017 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.

December 15, 2017 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**

October 31, 2017 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.

December 15, 2017 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 12, 2018 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**

May 23, 2017 The settlement conference previously scheduled on this date is **cancelled**.

December 20, 2017@ 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.

February 5, 2018 Pretrial Information Exchange Form due.

February 12, 2018 **Trial-Ready** Date. (*The June 26, 2017 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: Goldfein & Joseph for Atlas Turner, ACL, Bell  
Clerk, Mass Tort