

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

**Docket No:** L-7116-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ARLENE DOLAN (Estate of John Dolan),  vs.  AW CHESTERTON CO., et al	<i>Plaintiff(s),</i>    <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 December 11, 2019:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Flynn Watts	Michael Moroney	Spirax Sarco
Forman Watkins	Nicole Diesa	Cameron International Corp.
Grubb Law Office	Kevin Grubb	Union Pump
Hoagland Longo	James Creech	Heat Exchanger Services
Langsam Stevens	David McHale	Zy-Tech Global
Leader Berkon	Joseph Fontak	IMO Industries
McGivney Kluger	John A. Bitetto, III	Raritan Supply Co.; Mooney Brothers Corp.
McGivney Kluger	Nicholas Gemma	Major Inc.; Elizabeth Industrial Supply Co.
McGivney Kluger	Jeffrey Kluger	Bergen Industrial Supply
Pascarella DiVita	Joshua Greeley	Ingersoll Rand Co.
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks Inc.
Ricci Tyrrell	Nancy Green	Chicago Bridge & Iron
Tanenbaum Keale	Elizabeth Gee	CBS Corp.; Foster Wheeler; General Electric

IT IS on this 12<sup>th</sup> day of **December 2019**, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

## **DISCOVERY**

- December 27, 2019 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- January 17, 2020 Defendants shall serve answers to standard interrogatories by this date.
- January 17, 2020 Defendants shall propound supplemental interrogatories and document requests by this date.
- February 18, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- March 31, 2020 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.
- April 17, 2020 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- December 18, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.
- January 29, 2020 @ 10:00am Early settlement conference.

## **MEDICAL EXPERT REPORT**

- August 31, 2020 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**

- May 15, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- August 31, 2020 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.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- May 29, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- June 12, 2020 Summary judgment motions shall be filed no later than this date.
- July 10, 2020 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

- May 15, 2020 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 31, 2020 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**

September 30, 2020 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**

September 24, 2020 @ 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.

October 26, 2020 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