

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

Docket No: L-4628-16 (AS)

Civil Action

CASE MANAGEMENT ORDER II

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| DOLORES & CHARLES DUDSAK, <i>Plaintiff(s),</i> |
| vs. |
| AMERICAN BILTRITE INC., 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 June 16, 2017:

| FIRM | ATTORNEY | CLIENT |
|--------------------|--------------------|----------------------------|
| Weitz & Luxenberg | Leonard Feldman | Plaintiff(s) |
| Caruso Smith | Alexandra Caruso | CertainTeed; Union Carbide |
| Goldfein & Joseph | Williard Preston | Domco |
| Lynch Daskal | Troy Cunningham | Georgia Pacific |
| Margolis Edelstein | Dawn Dezii | Curvino & Sons |
| McGivney Kluger | Joel Clark | DAP |
| Rawle & Henderson | Christina Gonzales | American Biltrite, Inc. |

IT IS on this 16th day of June, 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

- | | |
|-----------------|---|
| June 30, 2017 | Defendant Curvino & Sons shall serve answers to standard interrogatories by this date. |
| June 30, 2017 | Defendant Curvino & Sons shall serve answers to supplemental interrogatories and document requests by this date. |
| July 28, 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 11, 2017 | Depositions of corporate representatives shall be completed by this date. |

EARLY SETTLEMENT

August 4, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

August 4, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 18, 2017 Summary judgment motions shall be filed no later than this date.

September 15, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

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

July 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.

September 29, 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

July 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.

September 29, 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.

EXPERT DEPOSITIONS

October 20, 2017 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

October 11, 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.

November 6, 2017 Pretrial Information Exchange submissions due.

November 13, 2017

Trial-Ready 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