

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

**Docket No:** L-4628-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

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 August 23, 2017:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Nicholas Albano	CertainTeed; Union Carbide
Goldfein & Joseph	Williard Preston	Domco
Lynch Daskal	Troy P. Cunningham	Georgia Pacific
Margolis Edelstein	Dawn Dezii	Curvino & Sons
McGivney Kluger	Trish Wilson	DAP
McGowan Law Firm	John S. McGowan	Sears
Rawle & Henderson	Tim Alexander	American Biltrite, Inc.

IT IS on this 28<sup>th</sup> day of August, 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**

September 29, 2017      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

September 22, 2017      Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

September 22, 2017      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 6, 2017          Summary judgment motions shall be filed no later than this date.

November 3, 2017        Last return date for summary judgment motions.

### MEDICAL DEFENSE

- September 29, 2017 Plaintiff shall serve medical expert reports by this date.
- September 29, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- November 30, 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

- September 29, 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.
- November 30, 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

- December 22, 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 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.
- January 19, 2018 Pretrial Information Exchange submissions due.
- January 29, 2018 **Trial-Ready** Date. (*The November 13, 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: Clerk, Mass Tort