

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

**Docket No: L-839-12 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of ROBERT DUNN (Maryann Dunn),  vs. ABB INC., 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 May 21, 2015:

FIRM	ATTORNEY	CLIENT
Wysoker Glassner Weingartner	Robert Krieger	Plaintiff(s)
Baginski Mezzanotte	Emily Ferrell	HM Royal; Viking Pump
Bucca & Campisano	Benjamin Bucca, Jr.	IMO Industries
Carroll McNulty	Michael Moroney	ProBuild
Caruso Smith Picini	Joyce Min	Union Carbide; CertainTeed; AmChem
Connell Foley	Scott Press	Superior Welding Supply; Palermo Supply Co.; PSE&G
Dickie McCamey	William Smith	Anixter; Tasco ; NJ Plumbing Supply; Sager; 84 Lumber
Garrity Graham	Frank H. Reimers	Industrial Petrolic Corp.
Hardin Kundla	Nicea D'Annunzio	Calon Insulation
Hoagland Longo	Shazia deWit	Johnston Boiler; Wallwork Brothers; Westfield Plumbing & Heating; Condensor Specialties; Superior Welding & Boiler; Westside Plumbing; York
Hoagland Longo	Steven F. Satz	AirGas East/Jersey Welding; Industrial Welding Supply; Abe Gruber; Chicago Blower; Collins Packing; Community Plumbing Supply;
Kent McBride	Charles P. Savoth, III	Binsky & Snyder; Tiger; TJ McGlone; Trilco; ECR Int'l
Manion Gaynor Manning	Whitney L. Frame <i>(by phone)</i>	AW Chesterton <i>(national counsel)</i>
Margolis Edelstein	Dawn Dezii	Columbia Broiler; Woolstate; Central Jersey Supply
Marks O'Neill	Sebastian Goldstein	Atlantic Plumbing; Schwalje, Inc.
Marshall Dennehey	Paul Johnson	Riley Power; SurSeal
McElroy Deutsch	John McGuire	Chevron; Exxon
McGivney Kluger	Joel Clark Catilin Christie	FF Blaisdell; Factory & Mill; Madsen & Howell; Raritan Supply; Sloan Valve; P. Germinario; Weil McLain; IPA Systems; Flowserve Corp.; Sporlan Valve; Graybar Electric; L&H Plumbing; Federal Supply
O'Brien Firm	Brian P. Lawlor	Basic; Grant Supply
O'Toole Fernandez	Jacqueline Muttick	Dana Co.; Clark Reliance; IMI Cash Valve; Peerless

		Industries
Pascarella DiVita	Joshua Greeley	Trane US, Inc.; Ingersoll Rand Co.
Reilly Janiczek	Brandy Harris	Cleaver Brooks
Ricci Tyrell	Brian Scanlon	Chicago Bridge & Iron
Sedgwick LLP	Bridget Polloway	Foster Wheeler; General Electric
Tiernry Law Office	Mark Turner	Elizabeth Industrial Supply
Lisa P. Wildstein LLC	Michael Murphy	American Lubricants

IT IS on this 21<sup>st</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**

- May 29, 2015 Defendants shall serve answers to standard interrogatories by this date.
- June 12, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 13, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 12, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 13, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 15, 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 16, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- October 23, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.
- November 13, 2015 @ 9:30am 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**

- December 24, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 8, 2016 Summary judgment motions shall be filed no later than this date.
- February 5, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- March 18, 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**

- March 4, 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.
- April 4, 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.

### **ECONOMIST EXPERT REPORTS**

- March 4, 2016 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.
- April 4, 2016 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**

- April 22, 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**

April 22, 2016 @ 9:30am

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.

May 2, 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