

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

	<u>DuPONT</u>
PETERSON	L-8070-10
MUNICELLO	L-88-13
BECKETT	L-1438-13
BERGBAUER	L-2503-13
WILSON	L-3289-15

Civil Action

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on November 5, 2015:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
Bucca & Campisano	Christine Bucca	IMO Industries
Budd Larner	Philip Adelman	Goodyear Tire & Rubber Co.
Carroll McNulty Kull	Stefanie Rokosz	Copes Vulcan
Connell Foley	Scott Press	Philadelphia Gear Corp.
Dickie McCamey	Dorothy Daly	Newark Welding & Fabricating
Drinker Biddle	Jack N. Frost	Koso America
Gibbons	Alan Gries	JAM Ind.
Goldfein & Joseph	Madhurika Jeremiah	ACL
Harris Beach	Allison Semaya	Milton Roy
Hoagland Longo	Steven F. Satz	Goulds Pumps
Kelley Jasons	Joseph Vassalotti	Hercules; McCoy
Kent McBride	Chris Devanny	Alfa Laval
Landman Corsi	Jorkeell Echevarria	Lincoln Electric; Hobart Bros.; BOC Group
Margolis Edelstein	Justin Bettis	John Crane
Marshall Dennehey	Paul Johnson	Warren Pumps
Mayfield Turner	Bonnie Johnson	Carrier Corp.
McCarter & English	Jean Patterson	Hercules
McElroy Deutsch	Joseph D. Rasnek	Bettis; Emerson; Fisher Controls; Akzo Nobel
McGivney Kluger	Samuel Reisen	Duro Dyne; Sundyne; Resco
McGivney Kluger	Mark J. Wiesel	A Dover; Flowserve; Brand Insulation
McGivney Kluger	Nancy Giacumbo	John W. Wallace; Nash; Joseph Oak; Ameron
Millet Law Office	Richard Millet	NL Ind.
O'Toole Fernandez	Leslie Lombardy	Clark Reliance; Avocet
Pascarella DiVita	Michael A. Posavetz	Ingersoll Rand; Crane Co.
Porzio Bromberg	Pamela Kaplan	DuPont
Rawle & Henderson	David Samlin	Hajoca Corp.
Reilly Janiczek	Michelle Cappuccio	Cleaver Brooks; Aurora Pumps
Ricci Tyrell	Brian Scanlon	CBI
Sedgwick LLP	Bridget Polloway	CBS/Westinghouse; Foster Wheeler; General Electric
Segal McCambridge	Nisha Lakhani	BW/IP
Wilbraham Lawler	Elizabeth deBerardinis	Air & Liquid Systems Corp.

IT IS on this 6<sup>th</sup> day of November, 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.

**These matters are hereby consolidated for discovery, case management and trial.**

**DISCOVERY**

- |                   |                                                                                                                                                                                                       |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| November 30, 2015 | Plaintiff shall provide answers to standard interrogatories and all prior discovery to all new defendants by this date.                                                                               |
| November 30, 2015 | Defendants shall serve answers to standard interrogatories by this date.                                                                                                                              |
| December 14, 2015 | Plaintiff shall propound supplemental interrogatories and document requests by this date.                                                                                                             |
| January 22, 2016  | Defendants shall serve answers to supplemental interrogatories and document requests by this date.                                                                                                    |
| December 14, 2015 | Defendants shall propound supplemental interrogatories and document requests by this date.                                                                                                            |
| January 22, 2016  | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.                                                                                                     |
| April 29, 2016    | 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. |
| May 31, 2016      | Depositions of corporate representatives shall be completed by this date.                                                                                                                             |

**EARLY SETTLEMENT**

- |               |                                                                                        |
|---------------|----------------------------------------------------------------------------------------|
| June 10, 2016 | Settlement demands shall be served on all counsel and the Special Master by this date. |
|---------------|----------------------------------------------------------------------------------------|

**SUMMARY JUDGMENT MOTION PRACTICE**

- |               |                                                                                             |
|---------------|---------------------------------------------------------------------------------------------|
| June 10, 2016 | Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date. |
| June 24, 2016 | Summary judgment motions shall be filed no later than this date.                            |
| July 22, 2016 | Last return date for summary judgment motions.                                              |

**MEDICAL DEFENSE**

- |                   |                                                                     |
|-------------------|---------------------------------------------------------------------|
| December 15, 2015 | Plaintiff shall serve executed medical authorizations by this date. |
| March 31, 2016    | Plaintiff shall serve medical expert reports by this date.          |

August 31, 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**

June 30, 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.

August 31, 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**

July 29, 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.

August 31, 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**

September 30, 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**

September 7, 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.

October 5, 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.

October 24, 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