

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

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|-----------|---------------|
| | <u>DuPONT</u> |
| PETERSON | L-8070-10 |
| MUNICELLO | L-88-13 |
| BECKETT | L-1438-13 |
| BERGBAUER | L-2503-13 |
| WILSON | L-3289-15 |
| COMOLLI | L-674-16 |

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 29, 2016:

| FIRM | ATTORNEY | CLIENT |
|-------------------------|---------------------|---|
| Cohen Placitella & Roth | Dennis Geier | Plaintiff(s) |
| Brennan Law Firm | Craig Cox | Smith Koch |
| Bucca & Campisano | Benjamin Bucca, Jr. | IMO Industries |
| Carroll McNulty Kull | Michael Moroney | Copes Vulcan |
| Caruso Smith | Alexandra Caruso | Union Carbide; CertainTeed; AmChem; Dow |
| Connell Foley | Richard Jagen | Philadelphia Gear Corp. |
| Cullen & Dykman | Jeffrey Fegan | Howden NA |
| Darger & Errante | Mark Friesz | Pfautler |
| Dickie McCamey | William Smith | Newark Welding & Fabricating |
| Drinker Biddle | Jack N. Frost, JR. | Koso America; Neles-Jamesbury, Inc. |
| Eckert Seamans | Michelle Grady | Superior Lidgerwood Mundy Corp. |
| Garrity Graham | Anthony Marino | United Conveyor |
| Gibbons | Scott Etish | JAM Ind. |
| Goldfein & Joseph | Madhurika Jeremiah | ACL |
| Hack Piro | Robert Alencewicz | Johansen |
| Hardin Kundla | Nicea D'Annunzio | Calon |
| Harris Beach | David Kochman | Milton Roy; Saint Gobain |
| Hoagland Longo | Jillian Madison | Goulds Pumps |
| Kelley Jasons | Daniel Daly | Hercules; McCoy |
| Kent McBride | Ravi Shah | Alfa Laval |
| Landman Corsi | Jorkeell Echeverria | Lincoln Electric; Hobart Bros.; BOC Group; Buflouck LLC |
| Lynch Daskal | Alexandra Ober | Protecto Seal |
| Margolis Edelstein | Dawn Dezii | John Crane |
| Marshall Dennehey | Paul Johnson | Warren Pumps |
| Mayfield Turner | Joshua Locke | Carrier Corp. |
| McCarter & English | David J. Cooner | Hercules |

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|-------------------------|------------------------|--|
| McElroy Deutsch | John C. (Jack) McGuire | Bettis; Emerson; Fisher Controls; Akzo Nobel |
| McGivney Kluger | Thomas McNulty | Duro Dyne; Sundyne; Resco |
| McGivney Kluger | Marc J. Wisel | A Dover; Flowserve; Brand Insulation |
| McGivney Kluger | Pooja Patel | John W. Wallace; Nash; Joseph Oak; Ameron |
| Millet Law Office | Richard Millet | NL Ind. |
| O'Toole Fernandez | Leslie Lombardy | Clark Reliance; Avocet |
| Pascarella DiVita | Lisa Pascarella | Ingersoll Rand; Crane Co. |
| Porzio Bromberg | Michelle Burke | DuPont |
| Rawle & Henderson | Meredith Mack | Hajoca Corp.; Henkels & McCoy |
| Reilly Janiczek | Michelle Cappuccio | Cleaver Brooks; Aurora Pumps |
| Ricci Tyrrell | Stuart M. Goldstein | |
| Sedgwick LLP / Speziali | Joanne Hawkins | CBS/Westinghouse; Foster Wheeler; General Electric |
| Segal McCambridge | Michael F. Gorman | BW/IP |
| Wilbraham Lawler | Tristin Fabro | Air & Liquid Systems Corp. |

IT IS on this 1st day of April, 2016, 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

- April 15, 2016 As to Comolli, defendants shall serve answers to standard interrogatories by this date.
- April 29, 2016 As to Comolli, plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 31, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 29, 2016 As to Comolli, defendants shall propound supplemental interrogatories and document requests by this date.
- May 31, 2016 As to Comolli, plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 31, 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.
- October 14, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

October 21, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

November 4, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 18, 2016 Summary judgment motions shall be filed no later than this date.

December 16, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

July 29, 2016 Plaintiff shall serve medical expert reports by this date.

January 27, 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

October 31, 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.

January 27, 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.

ECONOMIST EXPERT REPORTS

October 31, 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.

January 27, 2017 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

February 24, 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

September 7, 2016 The settlement conference previously scheduled on this date is **cancelled**.

October 5, 2016 The settlement conference previously scheduled on this date is **cancelled**.

January 24, 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.

February 23, 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.

March 13, 2017 Trial Date. *(The October 24, 2016 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