

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

**Docket No:** L-3140-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER IV**

PETER & JANET GARDNER, <i>Plaintiff(s),</i>
vs.
AW CHESTERTON CO., 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 October 26, 2017:

FIRM	ATTORNEY	CLIENT
Keefe Law Firm	Jennifer Ruhl	Plaintiff(s)
Connell Foley	Scott Press	August Arace
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Laura Dunn	Aaron & Co.; Calon Insulation
Hoagland Longo	Julianne Kallas	Industrial Welding Supply
Margolis Edelstein	Dawn Dezii	Woolsulate
Marks O'Neill	Melissa Kanbayashi	Nicholas Schwalje
Marshall Dennehey	Brielle Kovalchek	Insulation Materials Corp.
McCarter & English	Elizabeth Monahan	Fisher Scientific Co.
McGivney Kluger	Caitlin Bodtmann	Raritan Supply; Elling Brothers
O'Toole Scrivo	Leslie Lombardy	E & B Mill Supply; Buist
Tierney Law Office	Michael Murphy	Elizabeth Industrial
Troutman Sanders	Joanne Rogers	Cole Parmer Instrument Co.

IT IS on this 26<sup>th</sup> day of **October, 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**

November 3, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

**EARLY SETTLEMENT**

December 1, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

January 5, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 19, 2018 Summary judgment motions shall be filed no later than this date.

February 16, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

January 8, 2018 Plaintiff shall serve medical expert reports by this date.

January 8, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 16, 2018 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**

January 8, 2018 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.

March 16, 2018 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**

January 8, 2018 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.

March 16, 2018 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 2, 2018 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**

November 9, 2017 The settlement conference previously scheduled on this date is **cancelled**.

January 18, 2018 The settlement conference previously scheduled on this date is **cancelled**.

January 9, 2018 @ 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 22, 2018 @ 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.

April 9, 2018 Pretrial Information Exchange Form due.

April 16, 2018 **Trial-Ready** Date. (*The February 5, 2018 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