

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

Docket No: L-3140-16 (AS)

Civil Action

CASE MANAGEMENT ORDER II

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| 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 March 29, 2017:

| FIRM | ATTORNEY | CLIENT |
|--------------------|---------------------|---|
| Keefe Law Firm | Jennifer Ruhl | Plaintiff(s) |
| Connell Foley | Scott Press | August Arace |
| Hack Piro | Robert Alencewicz | Johansen |
| Hardin Kundla | Nicea D'Annunzio | Aaron & Co.; Calon Insulation |
| Hoagland Longo | Jillian Madison | Industrial Welding Supply |
| Margolis Edelstein | Jeanine Clark | Woolsulate |
| Marks O'Neill | Nicole M. Triner | Nicholas Schwalje |
| Marshall Dennehey | Jeremy J. Zacharias | Insulation Materials Corp. |
| McGivney Kluger | Thomas McNulty | Raritan Supply; Brand Insulation; Elling Brothers |
| O'Brien Firm | Tracy Cabbage | Grant Supply Co. |
| O'Toole Scrivo | Michael Garcia | E & B Mill Supply; Buist |
| Pepper Hamilton | Melissa Chuderewicz | Bristol Myers Squibb |
| Tierney Law Office | Brian Garbacz | Elizabeth Industrial |
| Troutman Sanders | Joanne Rogers | Cole Parmer Instrument Co. |

IT IS on this 30th day of March, 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

- April 7, 2017 Defendants shall serve answers to standard interrogatories by this date.
- April 28, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- June 2, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 28, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.

- June 2, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- June 30, 2017 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.
- June 30, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- July 7, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- June 30, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- July 7, 2017 Summary judgment motions shall be filed no later than this date.
- August 4, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

- July 14, 2017 Plaintiff shall serve medical expert reports by this date.
- July 14, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- October 13, 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 8, 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.
- October 13, 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

- September 8, 2017 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.
- October 13, 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

- November 3, 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

May 3, 2017 The settlement conference previously scheduled on this date is **cancelled**.

October 26, 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.

November 27, 2017 Pretrial Information Exchange Form due.

December 4, 2017 **Trial-Ready** Date. (*The June 12, 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