

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

Docket No: L-3140-16 (AS)

Civil Action

CASE MANAGEMENT ORDER III

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 *July 13, 2017*:

FIRM	ATTORNEY	CLIENT
Keefe Law Firm	Jennifer Ruhl	Plaintiff(s)
Connell Foley	Scott Press	August Arace
Hack Piro	Reiah Etwaroo	Johansen
Hardin Kundla	Nicea D'Annunzio	Aaron & Co.; Calon Insulation
Hoagland Longo	Alyssa DeFuria	Industrial Welding Supply
Margolis Edelstein	Jeanine D. Clark	Woolsulate
Marks O'Neill	Sophia Tyris	Nicholas Schwalje
Marshall Dennehey	Paul Johnson	Insulation Materials Corp.
McCarter & English	John Garde	Fisher Scientific Co.
McGivney Kluger	Joel Clark	Raritan Supply; Elling Brothers
O'Brien Firm	Tracy Cabbage	Grant Supply Co.
O'Toole Scrivo	Gary Van Lieu	E & B Mill Supply; Buist
Tierney Law Office	Michael Murphy	Elizabeth Industrial
Troutman Sanders	Joanne Rogers	Cole Parmer Instrument Co.

IT IS on this 17th day of July, 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

- July 28, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 30, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- August 30, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 29, 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.

September 29, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

October 6, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

October 6, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 20, 2017 Summary judgment motions shall be filed no later than this date.

November 17, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

September 8, 2017 Plaintiff shall serve medical expert reports by this date.

September 8, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 4, 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

November 3, 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.

December 4, 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

November 3, 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.

December 4, 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

December 29, 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

October 26, 2017 The settlement conference previously scheduled on this date is **cancelled**.

November 9, 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.

January 18, 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.

January 22, 2018 Pretrial Information Exchange Form due.

February 5, 2018 **Trial-Ready** Date. (*The December 4, 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