

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

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

**Civil Action**

**CASE MANAGEMENT ORDER V**

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 January 23, 2018:

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	Jeff Hall-Gale	Woolsulate
Marshall Dennehey	Jeremy Zacharias	Insulation Materials Corp.
McCarter & English	John c. Garde	Fisher Scientific Co.
McGivney Kluger	Caitlin Bodtmann	Raritan Supply; Elling Brothers
O'Toole Scrivo	Gary Van Lieu	E & B Mill Supply; Buist
Tierney Law Office	Mark Turner	Elizabeth Industrial
Troutman Sanders	Joanne Rogers	Cole Parmer Instrument Co.

IT IS on this 24<sup>th</sup> day of **January, 2018**, *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**

- February 28, 2018      Plaintiff shall respond to outstanding Notices to Produce by this date.
- March 23, 2018      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.
- March 23, 2018      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

- March 16, 2018      Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

March 16, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 30, 2018 Summary judgment motions shall be filed no later than this date.

April 27, 2018 Last return date for summary judgment motions.

## MEDICAL DEFENSE

March 16, 2018 Plaintiff shall serve medical expert reports by this date.

March 16, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 29, 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

May 15, 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.

June 29, 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

May 15, 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.

June 29, 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

July 20, 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

March 22, 2018 The settlement conference previously scheduled on this date is **cancelled**.

July 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.

August 13, 2018

Pretrial Information Exchange Form due.

August 20, 2018

**Trial-Ready** Date. *(The April 16, 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