

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

**Docket No: L-2374-15 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

ESTATE of MICHAEL GILL,  <i>Plaintiff(s),</i>  vs. ADVANCED THERMAL HYDRONICS INC., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on November 18, 2015:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Erica Cesaro	Plaintiff(s)
Maune Raichle	Clay Thompson	Plaintiff(s) co-counsel
Caruso Smith Picini	Marcia DePolo	CertainTeed; Union Carbide
McElroy Deutsch	Andrew F. Bain	Burnham LLC
McGivney Kluger	Thomas McNulty	Weil McLain
Marks O'Neill	Paul Smyth	Atlantic Plumbing
Hack Piro	Reiah Etwaroo	HB Smith
O'Toole Fernandez	Leslie Lombardy	Peerless Industries, Inc.
Nowell Amoroso	Linda Dunne	United Supply as successor to Aptex
Capehart Scatchard	Betsy Ramos	Kennedy Culvert

IT IS on this 20<sup>th</sup> day of **November, 2015**, *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**

- |                   |   |
|-------------------|---|
| January 15, 2016  | Defendants shall serve answers to supplemental interrogatories and document requests by this date.  |
| January 15, 2016  | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| February 19, 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. |
| February 19, 2016 | Depositions of corporate representatives shall be completed by this date.   |

## **EARLY SETTLEMENT**

February 26, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

March 1, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

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

April 15, 2016 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

March 15, 2016 Plaintiff shall serve medical expert reports by this date.

May 31, 2016 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**

March 15, 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.

May 31, 2016 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**

March 15, 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.

May 31, 2016 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**

June 24, 2016 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**

June 17, 2016 @ 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.

July 18, 2016

Trial Date. (*The December 7, 2015 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