

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

Docket No: L-4489-18 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ESTATE of ALEX GRABOWSKI, <i>Plaintiff(s),</i>
vs.
CARDINAL LAWN & GARDEN CENTER, 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 February 26, 2019:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	Laurence Nassif	Plaintiff(s)
McCarter & English	John Garde	Scotts Co.
Nowell PA	Linda Dunne	Cardinal Law & Garden

IT IS on this 4th day of **March, 2019**, *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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

- | | |
|----------------|---|
| March 15, 2019 | Plaintiff shall serve answers to standard interrogatories by this date. |
| March 15, 2019 | Plaintiff shall serve answers to wrongful death interrogatories by this date. |
| April 15, 2019 | Defendants shall serve answers to standard interrogatories by this date. |
| April 29, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |

June 7, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 29, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

June 7, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 30, 2019 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 30, 2019 Depositions of corporate representatives shall be completed by this date.

MEDICAL EXPERT REPORT

March 15, 2019 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

November 1, 2019 Plaintiff shall serve medical expert reports by this date.

November 1, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

February 14, 2020 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 1, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

February 14, 2020 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.

SUMMARY JUDGMENT MOTION PRACTICE

November 29, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

December 13, 2019 Summary judgment motions shall be filed no later than this date.

January 10, 2020 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

April 13, 2020 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

To be scheduled Settlement conference.

May 18, 2020 Trial 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