

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

**Docket No:** L-7735-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

KENNETH HUBER,	<i>Plaintiff(s),</i>
vs.	
84 LUMBER 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 September 11, 2019:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Dickie McCamey	William J. Smith	84 Lumber
Eckert Seamans	Michael A. Posavetz	AO Smith Water Products
Forman Watkins	Nicole Diesa	Wyerhaeuser Co.
Goldberg Segalla	Jessica Saad	Hajoca Corp.
Goldfein & Joseph	Madhurika Jeremiah	Domco <i>f/k/a Azrock Ind.</i>
Hoagland Longo	Chris Boglioli	Kohler Co.
Leader Berkon	John Osei-Tutu	Tarkett Inc.; The Marley-Wylain Co.
Marks O'Neill	Paul Smyth	Columbia Boiler
Marshall Dennehey	Paul Johnson	Kaiser Gypsum; Riley Power
McGivney Kluger	Jeffrey Kluger	Henry Co.
McGivney Kluger	Trish Wilson	Pecora Corp.; JA Sexauer, Inc.
Pascarella DiVita	Matthew G. Broderson	Rheem Mfg. Co.; Crane Co.
Rawle & Henderson	Samuel Garson	American Biltrite Inc.
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks; Aurora Pump; Monsey Products; SOS Products
Salmon Richezza	John Dugan	Beazer East Inc.
Turner O'Mara	Dave J. Gallacher	Carrier Corp.
Vasios Kelly	Thomas J. Kelly	Bird, Inc.
Wilbraham Lawler	Josette Spivak	Karnak Corp.

IT IS on this 12<sup>th</sup> day of September 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**

- September 30, 2019 Defendants shall serve answers to standard interrogatories by this date.
- October 11, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 11, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 11, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.
- November 11, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 31, 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.
- December 31, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- March 13, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

- November 29, 2019 Plaintiff shall serve medical expert reports by this date.
- November 29, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 10, 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**

- December 31, 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.
- April 10, 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**

- January 17, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 31, 2020 Summary judgment motions shall be filed no later than this date.
- February 28, 2020 Last return date for summary judgment motions.

**ECONOMIST EXPERT REPORTS**

- December 31, 2019 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.
- April 10, 2020 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**

- May 4, 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**

- May 7, 2020 @ 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.
- June 1, 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