

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

LESTER LATTIG,  <i>Plaintiff(s),</i>  vs.  ARMSTRONG INTERNATIONAL INC., et al  <i>Defendant(s).</i>
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**Docket No: L-6504-16 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 20, 2017:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Simon Greenstone	Leah Kagan	Plaintiff(s) ( <i>co-counsel with Szaferman Lakind</i> )
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Clemente Mueller	Jessie Christine Basner	William Powell Co.
Gibbons PC	Mark R. Galdieri	Honeywell International
Hawkins Parnell	Edward P. Abbot	Pneumo Abex; Paccar Inc.
Jones Law Office	Richard V. Jones	Metropolitan Life
Kelley Jasons	Angela Caliendo	FMC Corp.; McNally Ind.; Sterling Fluid Systems
Lavin O'Neil	Michael J. Sheehan	Daimler Trucks North America LLC
Maron Marvel	Timothy Coughlin	Velan Valve Corp.
McElroy Deutsch	Joseph D. Rasnek	Pfizer; Flowserve
McGivney Kluger	Joel Clark	DAP; Hopeman Brothers; Atwood & Morrill
Pascarella DiVita	Bradley Bishop	Ingersoll Rand
Rawle & Henderson	Christina A. Gonzales	Cyprus
Tanenbaum Keale	Afigo Fadahunsi	Borg Warner
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International

IT IS on this 21<sup>st</sup> day of March, 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.

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.

**DISCOVERY**

May 15, 2017

Plaintiff shall propound supplemental interrogatories and document requests by this date.

June 16, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

May 15, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.

June 16, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

July 31, 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.

July 31, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 18, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

August 18, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 1, 2017 Summary judgment motions shall be filed no later than this date.

September 29, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

June 30, 2017 Plaintiff shall serve medical expert reports by this date.

June 30, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 13, 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**

August 4, 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.

October 13, 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**

August 4, 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.

October 13, 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**

November 13, 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**

August 11, 2017 The settlement conference previously scheduled on this date is **cancelled**.

November 8, 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.

November 20, 2017 Pretrial Information Exchange submissions due.

December 4, 2017 **Trial-Ready** Date. (*The September 18, 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: counsel:

Leader & Berkon

cc: Clerk, Mass Tort