

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

**Docket No:** L-6274-13 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER VI**

EMMA JEAN LETZGUS, (Estate of Don Letzgus),  vs. ALFA LAVAL INC., et al	<i>Plaintiff(s),</i>    <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 8, 2018*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed
Gibbons PC	Ethan Stein	Honeywell International Inc.
Kent McBride	Matt Forys	Alpha Laval
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil Corp.; Texaco Inc.
McGivney Kluger	Thomas McNulty	Brand Insulation
Pascarella DiVita	John McGowan	Ingersoll Rand
Porzio Bromberg	Michelle Burke	E.I. DuPont
Segal McCambridge	Justine Martolano	BW/IP
Tanenbaum Keale	Afigo Fadahunsi	Borg Warner; Foster Wheeler
Wilbraham Lawler	Lynn E. Roberts, III	PSE&G; Exelon Energy

IT IS on this **13<sup>th</sup>** day of **November, 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**

- |                  |                                                                                                    |
|------------------|----------------------------------------------------------------------------------------------------|
| January 11, 2019 | Plaintiff shall serve answers to standard interrogatories.                                         |
| January 11, 2019 | Plaintiff shall serve answers to wrongful death interrogatories by this date.                      |
| January 25, 2019 | Defendants shall serve answers to standard interrogatories by this date.                           |
| February 8, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| March 8, 2019    | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| February 8, 2019 | Defendants shall propound supplemental interrogatories and document requests by this date.         |

- March 8, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- April 8, 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.
- April 8, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- April 26, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- April 26, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 10, 2019 Summary judgment motions shall be filed no later than this date.
- June 7, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- January 25, 2019 Defendants shall forward medical authorizations to plaintiff's counsel by this date.
- February 8, 2019 Plaintiff shall serve executed medical authorizations by this date.
- January 11, 2019 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- January 11, 2019 Plaintiff shall serve medical expert reports by this date.
- January 11, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 30, 2019 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**

- July 31, 2019 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.
- September 30, 2019 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**

- July 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.

September 30, 2019 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**

October 25, 2019 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**

October 24, 2019 @ 1:30pm 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 18, 2019 Trial Date. (*The May 20, 2019 trial is adjourned to this date.*)

***Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.***

*/s/ Phillip L. Paley*  
PHILLIP L. PALEY, J.S.C.

cc: Clerk, Mass Tort