

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

**Docket No:** L-279-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

RICHARD & PATRICIA LIPOWSKI, <i>Plaintiff(s),</i>  vs.  AARON & CO., 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 April 17, 2018:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Abby Resnick-Parigian	Plaintiff(s)
Barry McTiernen Wedinger	Cara Manz	RW Beckett Corp.
Buglione Hutton	Heather Goldstein	Kessler Industries
Clyde & Co.	Kevin Turbert	Burnham LLC
DeCotiis Fitzpatrick	Michael Moroney	Spriax Sarco
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Aaron & Co.
Hoagland Longo	Jillian Madison	Modern Plumbing Supply
Landman Corsi	Joseph Tomaino	ECR
LeClair Ryan	Gary M. Sapir	Ford
Lewis Brisbois	Troy P. Cunningham	Henkel Corp.
Marks O'Neill	Amanda King	Columbia Boiler Co. of Pottstown
Mayfield Turner	Joshua Locke	Carrier Corp.
McGivney Kluger	Joel Clark Caitlin Bodtmann P. Patel	Sid Harvey; Bergen Industrial; Sloan Valve; DAP; Wales-Darby; Fairbanks; Weil-McLain; Manhattan Welding; Rain Bird; Midas International; Marsam Valves & Fittings
Nowell Amoroso	Linda Dunne	Sanitary Plumbing Supply
O'Toole Scrivo	Gary Van Lieu	D-Co (Dana); National Combustion
Pascarella DiVita	Joshua Greeley	Crane Co.
Reilly McDevitt	Joshua Sonstein	Hudson Heating; SOS; York
Swartz Campbell	William Morlok	Wal-Rich
Tanenbaum Keale	Joseph D. Fanning	Borg Warner
Weber Gallegher	Mark Heftler	Red White Valve

IT IS on this 18<sup>th</sup> day of April, 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**

- June 5, 2018 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.
- June 5, 2018 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.

## **EARLY SETTLEMENT**

- July 31, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- June 8, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- June 22, 2018 Summary judgment motions shall be filed no later than this date.
- July 20, 2018 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- October 15, 2018 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 31, 2018 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 15, 2018 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.

## **EXPERT DEPOSITIONS**

- November 9, 2018 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**

- July 17, 2018 The settlement conference previously scheduled on this date is **cancelled**.
- October 30, 2018 @ 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.

December 3, 2018

Pretrial Information Exchange submissions due.

December 10, 2018

Trial-Ready Date. (*The August 27, 2018 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:

Delany McBride *for Peerless*

cc: Clerk, Mass Tort