

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

**Docket No: L-6684-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

JOHN MACHALA,  <i>Plaintiff(s),</i>  vs.  ASBESTOS CORPORATION LTD., 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 *November 20, 2014*:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide; CertainTeed
Goldfein & Joseph	Madhurika Jeremiah	ACL; Bell
Jones LLP	Richard V. Jones	Metropolitan Life
McGivney Kluger	Caitlin Christie	Hollingsworth & Vose
Weiner Lesniak	Robert Ball	Mitsui

IT IS on this **21<sup>st</sup>** day of **November, 2014** 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 plaintiffs' 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**

- |                   |  |
|-------------------|--|
| December 5, 2014  | Defendants shall serve answers to standard interrogatories by this date.                           |
| December 19, 2014 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| January 20, 2015  | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |

December 19, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.

January 20, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

February 27, 2015 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.

February 27, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

March 13, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

March 27, 2015 Summary judgment motions shall be filed no later than this date.

April 24, 2015 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

March 31, 2015 Plaintiff shall serve medical expert reports by this date.

May 1, 2015 Defendants shall identify its medical experts and serve medical expert 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**

March 31, 2015 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.

May 1, 2015 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**

May 15, 2015 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 6, 2015 @ 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.

May 26, 2015 (*Tuesday*)

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  
Brody Deposition Services  
Priority One