

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

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| JOHN MACHALA,<br><br>vs.<br><br>ASBESTOS CORPORATION LTD., et al | <i>Plaintiff(s),</i><br><br><br><br><i>Defendant(s).</i> |
|--|--|

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *June 11, 2015*:

| FIRM                    | ATTORNEY                 | CLIENT                     |
|-------------------------|--------------------------|----------------------------|
| Cohen Placitella & Roth | Keven Friedman           | Plaintiff(s)               |
| Caruso Smith            | Richard Picini           | Union Carbide; CertainTeed |
| Day Pitney              | Sylvia-Rebecca Gutierrez | International Paper Co.    |
| Jones LLP               | Richard V. Jones         | Metropolitan Life          |
| Lavin O'Neil            | Catherine Brunermer      | 3M Company                 |
| McGivney Kluger         | Nancy Giacumbo           | Hollingsworth & Vose       |
| McElroy Deutsch         | Joseph Rasnek            | Occidental Chemical Corp.  |

IT IS on this 15<sup>th</sup> day of **June, 2015**, *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**

September 15, 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.

September 15, 2015      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

September 25, 2015      Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

- September 25, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- October 9, 2015 Summary judgment motions shall be filed no later than this date.
- November 6, 2015 Last return date for summary judgment motions.

## MEDICAL DEFENSE

- September 30, 2015 Plaintiff shall serve medical expert reports by this date.
- September 30, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- December 31, 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

- September 30, 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.
- December 31, 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

- January 22, 2016 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 14, 2015 The settlement conference previously scheduled on this date is **cancelled**.
- February 3, 2016 @ 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.

February 22, 2016

Trial Date. (*The August 31, 2015 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: Clerk, Mass Tort  
Brody Deposition Services  
Priority One