

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

**Docket No: L-4320-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

JAMES MALCOLM, SR.,  vs.  GEORGIA PACIFIC, 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 January 12, 2016:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
Caruso Smith Picini	Lisa Massimi	Union Carbide
Kent McBride	William M. Davis	TJ McGlone
Margolis Edelstein	Justin M. Bettis	Woolsulate Corp.

IT IS on this 13<sup>th</sup> day of **January, 2016**, *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**

- March 11, 2016      Plaintiff shall serve answers to wrongful death interrogatories by this date.
- March 11, 2016      Defendants shall serve answers to standard interrogatories by this date.
- March 31, 2016      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- April 29, 2016      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 31, 2016      Defendants shall propound supplemental interrogatories and document requests by this date.
- April 29, 2016      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- June 30, 2016      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 29, 2016      Depositions of corporate representatives shall be completed by this date.

## EARLY SETTLEMENT

August 19, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

August 19, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 2, 2016 Summary judgment motions shall be filed no later than this date.

September 30, 2016 Last return date for summary judgment motions.

## MEDICAL DEFENSE

July 29, 2016 Plaintiff shall serve medical expert reports by this date.

July 29, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 4, 2016 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

November 4, 2016 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 23, 2016 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

November 4, 2016 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.

December 23, 2016 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

January 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

November 16, 2016 The settlement conference previously scheduled on this date is **cancelled**.

December 14, 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.

January 30, 2017 Trial Date. (*The December 5, 2016 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