

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

**Docket No:** L-8152-12 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of ANTHONY MASTRULL, <i>Plaintiff(s),</i>
vs.
ASBESTOS CORPORATION LTD., et al <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *July 8, 2016*:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Brandi Everett	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide
Christie & Young	George S. Bobnak	HB Fuller Co.
Day Pitney	Rasika Chakravarthy	International Paper Co.
Goldfein & Joseph	Madhurika Jeremiah	ACL; Bell
Jardim Meisner	Nancy Giacumbo	Hollingsworth & Vose
Kelley Jasons	Liza Stagliano	Schneider Electric USA Inc.; f/k/a Square D
Kent McBride	Bradley Lawrence	Mine Safety Appliance
Marks O'Neill	Sebastian Goldstein	Honeywell
Marshall Dennehey	Paul Johnson	Riley Stoker; Kaiser Gypsum
McElroy Deutsch	Joseph D. Rasnek	Occidental Chemical Co.
McElroy Deutsch	Brian Sorensen	Allen-Bradley; Eaton
Pascarella DiVita	Bradley Bishop	Crane Co.
Speziali Greenwald	Joanne Hawkins	CBS/Westinghouse
Weiner Lesniak	Sean Pena	Mitsui

IT IS on this 11<sup>th</sup> day of July, 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.

Defense counsel shall notify plaintiff's 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**

August 12, 2016

Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.

September 12, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.

August 31, 2016 Defendants shall serve answers to standard interrogatories by this date.

September 23, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.

October 24, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

September 23, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

October 24, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

December 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.

December 30, 2016 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

January 6, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

January 6, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 20, 2017 Summary judgment motions shall be filed no later than this date.

February 17, 2017 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

August 12, 2016 Plaintiff shall serve executed medical authorizations by this date.

August 12, 2016 Plaintiff shall serve executed authorizations for employment records of his father by this date.

August 12, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

December 20, 2016 Plaintiff shall serve medical expert reports by this date.

December 20, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 20, 2017 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**

- January 13, 2017 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.
- March 20, 2017 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**

- January 13, 2017 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.
- March 20, 2017 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**

- April 14, 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**

- April 18, 2017 @ 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 15, 2017 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