

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

Docket No: L-1670-16 (AS)

Civil Action

CASE MANAGEMENT ORDER IX

BEVERLY McGRATH (Estate of John McGrath), <i>Plaintiff(s),</i> vs. ANHEUSER BUSCH INC., 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 22, 2019:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella Hogan Leatherwood	Plaintiff(s) Plaintiff(s) co-counsel
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide; Essex Chemical
Gibbons PC	Robert Brown	Hoffman LaRoche Inc.
Clyde & Co.	Kevin Turbert	Curtiss Wright Corp.
Goldberg Segalla	Jillian Madison	Givaudan
Littleton Park	Jason Schmitz	BASF Catalysts LLC
Maron Marvel	Lina C. Flanigan	Industrial Holdings Corp.
Mound Cotton	Pamela Minetto	Viad Corp.
Pascarella DiVita	John S. McGowan	Ingersoll Rand
Porzio Bromberg	Michelle Burke	Cytec Industries, Inc.
Speziali Greenwald	Michael Quinn	General Electric
Tanenbaum Keale	Joseph D. Fanning	CBS/Westinghouse

IT IS on this 22nd day of July 2019, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

September 30, 2019 Depositions of corporate representatives shall be completed by this date.

MEDICAL EXPERT REPORT

October 31, 2019 Plaintiff shall serve medical expert reports by this date.

January 31, 2020 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

October 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

January 31, 2020 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.

February 28, 2020 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

SUMMARY JUDGMENT MOTION PRACTICE

November 8, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 22, 2019 Summary judgment motions shall be filed no later than this date.

December 20, 2019 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

March 27, 2020 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

October 24, 2019 The settlement conference previously scheduled on this date is **cancelled**.

February 20, 2020 @ 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.

April 20, 2020

Trial Date. *(The January 27, 2020 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