

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

**Docket No:** L-335-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

EDWARD McKENNA, SR.,	<i>Plaintiff(s),</i>
vs.	
AY McDONALD MFG., 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 February 26, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Barry McTiernan & Moore	Claire Huynh	Eli Lilly & Co.
Billet Associates	Robert Billet	El Paso Corp.
Bonner Kiernan	Sheila King	Occidental Chemical Corp.
Brown & Connery	Stephen J. DeFeo	Daikin
Caruso Smith	Lisa Massimi	Union Carbide
Clyde & Co.	Kevin Turbert	Burnham; Jenkins Bros.
Connell Foley	Christopher Abatemarco	Henry Technologies, Inc.
Cullen & Dykman	John Burbridge	FW Webb
Drinker Biddle	Jack Frost	Philip Morris, USA, Inc.
Gibbons PC	Daniel Dorfman	Honeywell Int'l.
Gibbons PC	Phillip J. Duffy	Sherwin Williams
Gibbons PC	Robert Brown	Hoffman-LaRoche
Hoagland Longo	Jacob Grouser	WW Grainger; Dickson Supply; Johnson Matthey Pharmaceuticals Materials
Jardim Meisner	Nancy Giacumbo	AY McDonald Mfg.
Kelley Jasons	Angela Caliendo	FMC Corp.
Landman Corsi	Jessica Lomia	Sequoia Ventures, Inc.
Leader & Berkon	Christine Bucca	Spirax Sarco; Electrolux Home Products
Leonard Sciolla	Heidi Anderson	United Refractories
Margolis Edelstein	Nicholas Sulpizio	Poly One Corp.; Elliott Lewis Corp.; John Crane, Inc.; General Plumbing Supply; Shore Industrial Supply
Maron Marvel	Audrey O. Anyaele	Velan Valve Corp.
Marshall Dennehey	Paul Johnson	Hanover Supply; Warren Pump; Honeywell Int'l.; Dart Container
Marshall Dennehey	Arthur Bromberg	Cashco
Mayfield Turner	David J. Gallacher	Carrier
McCarter & English	Amanda Munsie	Hercules; Watts Water
McElroy Deutsch	Michelle Hydrusko	Fisher Controls; Exxon Mobile Corp.
McGivney Kluger	Jeffrey Kluger	Armstrong Int'l.
McGivney Kluger	Caitlin Bodtmann	Nash; Weil McLain; Flowserve US Inc.
McGivney Kluger	Joel Clark	Campbell Soup; Raritan Supply
Millet Law Office	Richard Millet	NL Industries

Montgomery McCracken	Albert Piccerilli	Atlantic City Electric
Nowell PA	Linda Dunne	United Supply
Pascarella DiVita	Joshua Greeley	Crane Co.; Trane US, Inc.; Ingersoll Rand Co.
Porzio Bromberg	Tanya Y. Shah	EI DuPont de Nemours & Co.
Reilly McDevitt	Hena Kumar	Boise Cascade Co.; Cleaver Brooks; Aurora Pump
Segal McCambridge	Michael Testa	Mannington Mills
Segal McCambridge	Dinesh Dadlani	Nestle
Speziali Greenwald	Joanne Hawkins	General Electric
Swartz Campbell	Laura M. Bartow	Sunoco
Tanenbaum Keale	Pamela R. Kaplan	CBS Corp.
Vasios Kelly	Brooke Anderson	Johnson & Johnson
White & Williams	Michael Toczyski	Pharmacia
Wilbraham Lawler	Josette F. Spivak	Viking Pump; Buffalo Pump; PSE&G; Exelon

IT IS on this 4<sup>th</sup> day of **March, 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.

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.

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**

- March 15, 2019      Plaintiff shall serve answers to standard interrogatories by this date.
- April 1, 2019      Defendants shall serve answers to standard interrogatories by this date.
- April 19, 2019     Plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 20, 2019      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 19, 2019     Defendants shall propound supplemental interrogatories and document requests by this date.
- May 20, 2019      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 1, 2019        Plaintiff depositions shall be conducted by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

December 2, 2019 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 2, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

January 3, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

March 15, 2019 Plaintiff shall serve executed medical and social security authorizations (along with answers to interrogatories) by this date.

March 15, 2019 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

January 3, 2020 Plaintiff shall serve medical expert reports by this date.

January 3, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

February 28, 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**

December 16, 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.

February 28, 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.

### **"ACUTANE" MOTIONS**

(Thurs.) April 9, 2020 Summary judgment motions shall be filed no later than this date.

May 8, 2020 Last return date for summary judgment motions.

### **SUMMARY JUDGMENT MOTION PRACTICE**

May 8, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 22, 2020 Summary judgment motions shall be filed no later than this date.

June 19, 2020 Last return date for summary judgment motions.

**ECONOMIST EXPERT REPORTS**

December 16, 2019 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.

February 28, 2020 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**

February 14, 2020 Plaintiff’s 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.

March 13, 2020 Defendants’ 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**

To be scheduled Settlement conference.

**July 13, 2020** 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: counsel:

Rawl & Henderson for Hajoca; Henkels; Atlantic Plumbing

cc: Clerk, Mass Tort